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STATE OF NORTH CAROLINA

PUBLIC-LOCAL LAWS

ENACTED BY THE

GENERAL ASSEMBLY


AT ITS

SESSION OF 1931

BEGUN AND HELD IN THE CITY OF RALEIGH
ON
WEDNESDAY, THE SEVENTH DAY OF JANUARY, 1931

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PUBLIC-LOCAL LAWS
OF THE
STATE OF NORTH CAROLINA

SESSION 1931

CHAPTER 1

AN ACT TO INCREASE THE MEMBERS OF THE BOARD
OF COUNTY COMMISSIONERS OF UNION COUNTY
FROM THREE TO FIVE.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of County Commissioners of Union County is hereby increased from three to five members.

Union County Board of Commissioners increased to five members.

SEC. 2. That Robert L. Helms and M. K. Lee be and they are hereby appointed members of the Board of County Commissioners of Union County, term of office to begin on the first Monday in February, one thousand nine hundred and thirty-one, to serve until the first Monday in December, one thousand nine hundred and thirty-two, and until their successors are elected and qualified. The compensation of the additional members hereby appointed and their successors shall be the same as that received by the members of the present board.

Appointment of new members.

Term of office.

Compensation.

SEC. 3. That at the next general election to be held in November, one thousand nine hundred and thirty-two, and biennially thereafter, there shall be elected five members of the Board of County Commissioners of Union County who shall serve for a term of two years and until their successors are elected and qualified.

Five members to be chosen at next general election.
Term of office.

SEC. 4. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Conflicting laws repealed.

SEC. 5. That this act shall be in force from and after its ratification.

Ratified this the 20th day of January, A.D., 1931.

CHAPTER 2

AN ACT TO REPEAL CHAPTER FORTY-TWO, PUBLIC-LOCAL LAWS, NINETEEN HUNDRED TWENTY-NINE, RELATING TO THE ENFORCEMENT OF THE PROHIBITION LAWS IN LINCOLN COUNTY.

The General Assembly of North Carolina do enact:

Ch. 42, Public-Local Laws, 1929, repealed, relating to prohibition in Lincoln County.

SECTION 1. That chapter forty-two, Public-Local Laws, one thousand nine hundred and twenty-nine relating to the enforcement of the prohibition law in Lincoln County be and the same is hereby repealed.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 23rd day of January, A.D., 1931.

CHAPTER 3

AN ACT TO REPEAL CERTAIN LAWS RELATIVE TO THE ENFORCEMENT OF THE PROHIBITION LAW IN POLK COUNTY.

The General Assembly of North Carolina do enact:

Ch. 187, Public-Local Laws ex-1920, repealed, relating to prohibition in Polk County.

SECTION 1. That Chapter one hundred eighty-seven, of the Public-Local Laws of the Extra Session of one thousand nine hundred twenty, entitled an Act to amend the Prohibition Law and to provide for the better enforcement of same in Polk County, be and the same is hereby repealed.

Ch. 366, Public-Local Laws 1921, also repealed.

SEC. 2. That chapter three hundred sixty-six, of the Public-Local Laws of the Session of one thousand nine hundred twenty-one, entitled an Act to encourage the effective enforcement of the Prohibition Law of Polk County, be and the same is hereby repealed.

Ch. 114, Public-Local Laws, 1925, also repealed as to Polk County.

SEC. 3. That Chapter one hundred fourteen, of the Public-Local Laws of one thousand nine hundred twenty-five, entitled an Act to provide for the better enforcement of the Prohibition Law in certain counties in North Carolina, be and the same is hereby repealed as to Polk County.

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. That this Act shall be in force and effect from and after its ratification.

Ratified this the 23rd day of January, A.D., 1931.

CHAPTER 4

AN ACT TO REPEAL CHAPTER THREE HUNDRED AND NINETY-TWO, PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-NINE RELATING TO THE USE OF AUTOMATIC SHOT GUNS IN COLUMBUS COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter three hundred ninety-two Public-Local Laws of one thousand nine hundred twenty-nine, relating to the use of automatic shot guns in Columbus County, be, and the same is hereby, repealed.

SEC. 2. This act shall be in force and effect from and after its ratification.

Ratified this the 29th day of January, A.D., 1931.

Ch. 392, Public-Local Laws 1929, repealed relating to automatic shotguns in Columbus County.

CHAPTER 5

AN ACT TO FIX THE SALARIES OF THE JUDGE, CLERK AND SOLICITOR OF THE RECORDER'S COURT OF CASWELL COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That in the event of the establishment of a Recorder's Court for the County of Caswell by the Board of Commissioners of Caswell County, it may fix the salary of the Judge thereof not to exceed the sum of Seventy-Five (\$75) Dollars per month, to be paid monthly by the Board of County Commissioners of Caswell County.

SEC. 2. That the Board of County Commissioners may fix the salary of the solicitor of the Recorder's Court at not more than Seventy-Five (\$75) Dollars per month, under the following scheme:

There shall be taxed in each criminal case tried in said Recorder's Court, where there is a conviction, a solicitor's fee of Six (\$6.00) Dollars, only one fee to be charged in each case, notwithstanding the fact that there is more than one defendant or the defendant or defendants are convicted of more than one count.

Where, during a particular month, there are not sufficient fees thus collected to meet the salary of the solicitor herein provided, then he is to receive for that month no more than the amount of fees so collected. If the amount of fees exceed the Seventy-Five (\$75) Dollars in any particular month during the year, said excess shall go towards making the monthly salary

Salary of Judge of Caswell County Recorder's Court not to exceed \$75 per month.

Salary of Solicitor not to exceed \$75 per month.

Method of raising salary of Solicitor.

Fee of \$6 to be taxed in cases of guilty plea or conviction.

Salary to be made uniform throughout year.

Excess of fees over \$900 per year to go to school fund.

County not to make up deficiency.

Salary of Clerk not to exceed \$200 per year.

Duty to collect usual fees.

Excess of fees over \$200 to go to school fund.

Clerk to render monthly account of Solicitor's fees.

Conflicting laws repealed.

uniform throughout the year. If, at the end of said year, said fees thus collected amount to more than Nine Hundred (\$900) Dollars, as compensation for the solicitor, such excess shall be turned into the county treasury for the benefit of the school fund of the county. If there is a deficiency, however, at the end of the year, there shall be no liability on the part of the county to make good such deficiency.

SEC. 3. The Clerk of said Recorder's Court, who may be elected by the Board of County Commissioners for the same term as that for which the solicitor is elected, shall receive not to exceed Two Hundred (\$200) Dollars per annum. Said clerk shall collect, in all criminal and civil cases pending before the court, the same fees as allowed to the Clerk of the Superior Court, under the general statute relating to such fees (Section three thousand nine hundred three of the Consolidated Statutes of one thousand nine hundred nineteen) with amendments since that time, including those at the present session of the Legislature, and pay over said fees to the county treasurer, not later than the first Monday of the succeeding month in which they are collected. If, at the end of the year, there should be an excess of such fees beyond that necessary to pay his salary to Two Hundred (\$200) Dollars, said excess shall be transferred to the school fund of the county.

SEC. 4. The Clerk of said court shall, in addition to fees collected by him as clerk of the court and reported the first Monday in each succeeding month, also report at that time to the Board of County Commissioners, an itemized statement of the amount collected the preceding month upon the tax fee allowed to the solicitor of said court, under section two of this act.

SEC. 5. All laws and parts of laws in conflict with this act are hereby repealed.

SEC. 6. This act shall take effect from and after its ratification.

Ratified this the 30th day of January, A.D., 1931.

CHAPTER 6

AN ACT TO AMEND CHAPTER ONE HUNDRED FIFTY-ONE OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED TWENTY-ONE AND TO FIX THE SALARIES OF THE MEMBERS OF THE BOARD OF COUNTY COMMISSIONERS AND THE MEMBERS OF THE BOARD OF EDUCATION OF MADISON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section three of chapter one hundred and fifty-one of the Public-Local Laws of nineteen hundred and

twenty-one be, and the same is, hereby repealed and the following be substituted in lieu thereof:

SEC. 2. That the members of the Board of County Commissioners and the members of the Board of Education of Madison County shall each draw three dollars per day and mileage at the rate of five cents per mile each way while in the actual performance of their official duties, and they shall not draw for more than twelve days during any calendar year of twelve months as members of said boards.

Madison County Commissioners and members of Board of Education to receive \$3 per day and mileage at 5c while on duty.

Limited to twelve days in any one year. Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this act are hereby repealed; that this act shall apply to Madison County only.

SEC. 4. That this act shall be in force from and after its ratification.

Ratified this the 30th day of January, A.D., 1931.

CHAPTER 7

AN ACT TO DECREASE THE MEMBERS OF THE BOARD OF COUNTY COMMISSIONERS OF HAYWOOD COUNTY FROM FIVE TO THREE.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of County Commissioners of Haywood County is hereby decreased from five to three members, effective the first Monday in December, one thousand nine hundred and thirty-two.

Haywood County Board of Commissioners reduced to three members, effective December, 1932.

SEC. 2. That at the next general election, to be held in November, one thousand nine hundred and thirty-two, and biennially thereafter, there shall be elected by the qualified voters of Haywood County three members of the Board of County Commissioners, one of whom shall be designated on the ballots "Chairman of the Board of County Commissioners," and the other two "County Commissioners," who shall serve for a term of two years and until their successors are elected and qualified.

Biennial election of Commissioners, beginning in 1932.

Election of Chairman.

SEC. 3. That effective the first Monday in December, one thousand nine hundred and thirty-two, the Chairman of the Board of County Commissioners of Haywood County shall receive a salary of six hundred dollars per annum, payable monthly, and the other two members of said Board shall each receive a salary of five hundred dollars per annum, payable monthly.

Salary of Chairman \$600, for the other two \$500 each.

SEC. 4. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Conflicting laws repealed.

SEC. 5. That this act shall be in force and effect from and after its ratification.

Ratified this the 30th day of January, A.D., 1931.

CHAPTER 8

AN ACT PROVIDING FOR A PEACE OFFICERS RELIEF FUND FOR THE CITY OF SALISBURY AND ROWAN COUNTY.

The General Assembly of North Carolina do enact:

Title of act.

SECTION 1. Short Title. That this act shall be known and may be cited as the Salisbury and Rowan County Peace Relief Fund Act.

Definitions.

SEC. 2. Definitions. Peace officers shall be deemed to include all peace officers of the City of Salisbury or County of Rowan, North Carolina, or subdivisions thereof, who are required by the terms of their employment or election to give their full time to the preservation of public order, the protection of life and property, and the detection of crime; and all special officers who are injured or killed while aiding or assisting regular peace officers, or while acting as such peace officers.

Salisbury-Rowan County Peace Officers Protective Association formed.

SEC. 3. Creation of Association. An association to be known and designated as the Salisbury-Rowan County Peace Officers Protective Association shall be formed, the membership of which shall include all peace officers in Salisbury and Rowan County as defined above.

Application for membership.

SEC. 4. Registration. Peace Officers who are entitled to membership in the Association, in order to share in the benefits provided for in this act, shall make application for membership in the Association on blanks to be furnished for that purpose, giving such information as may be required by said Association, and shall pay an initiation fee and annual dues to be fixed by the Executive Board, hereinafter provided for. *Provided*, however, that such initiation fee shall not exceed five dollars and such dues shall not exceed twelve dollars per annum. *Provided further*, that the provisions of this section shall not apply to Special Officers who have not had a reasonable time from date he was appointed, summoned or deputized to register with said Association. And *provided further*, that said reasonable time shall not exceed thirty days.

Initiation fee not to exceed \$5; annual dues, \$12.

Provision as to Special Officers.

Creation of Executive Board and membership.

SEC. 5. Creation of Executive Board. That the Chairman of the Board of County Commissioners of Rowan County, the Mayor of the City of Salisbury, and the Attorney for the City of Salisbury, shall be and they are hereby made ex officio members of this executive board, and the remainder of said board shall be the Sheriff of Rowan County and the Chief of Police of the City of Salisbury, North Carolina. The said Board shall elect a Chairman at its first meeting in each year. A majority of the members of said Executive Board shall constitute a quorum for the transaction of business.

Election of Chairman; quorum.

SEC. 6. Source of Revenue. That in all criminal actions in Rowan County, North Carolina, brought in courts other than courts of a Justice of the Peace, wherein the defendant shall enter a nolo contendere, a plea of guilty, or shall be adjudged guilty by the Court or found guilty by a jury, wherein the costs of the action are paid by the defendant, there shall be taxed in the bill of cost a fee of one dollar, to be known as the Officers Emergency Fee, and shall be collected, as all other costs in criminal cases are collected by the Clerk or other officers of the court authorized to receive costs; and such funds so received shall be accounted for monthly, a copy of which report shall be sent to the Chairman of the Executive Board, and such funds turned over to the Treasurer of Salisbury and Rowan County Protective Association, to be by him held and securely kept for the purpose of the association. *Provided, however,* that such Officers Emergency Fee of one dollar shall not be taxed in the costs in cases of violation of city ordinances, or in any case wherein a justice of the peace has final concurrent jurisdiction.

Donations and contributions to said Salisbury and Rowan County Peace Officers Relief Fund may be received from any source approved by the Executive Board.

SEC. 7. Application of Fund. The money so paid into the hands of the Treasurer of the Salisbury and Rowan County Officers Protective Association shall be known as the Salisbury and Rowan County Peace Officers Relief Fund, and shall be used as a fund for the relief of members of said Association who may be injured or rendered sick by disease contracted in the actual discharge of duty as a peace officer, and for the relief of their widows and children, and if there be no widows or children, then dependent mothers of such officers killed or dying from disease so contracted in such discharge of duty, and as a pension fund for peace officers grown old in the line of duty, and also for the benefit of special officers injured while acting as such peace officers, and for the further benefit of the widows and children of such officers who may be killed while acting as such peace officers. All persons entitled to benefits under this section shall make application to the Executive Board, above provided for, and said Executive Board shall investigate each such application and shall determine what benefits shall be paid. The decision of the Executive Board shall be final and conclusive as to what persons are entitled to benefits and as to the amount of benefits to be paid, and said Executive Board shall have power to increase or decrease monthly benefits at any time, and no action at law or suit in equity shall be maintained against said association to enforce any claim or recover any benefit under this article or under the Constitution or by-laws of said Association; but if any officer or committee of said Association omit or refuse

Fee of \$1 to be taxed in criminal actions; not applicable to justice courts.

Officers Emergency Fee.

Monthly accounting.

Not applicable to violation of city ordinances. Donations may be received.

Funds to be used for relief of officers or their dependents.

Also for pensioning older officers.

Application for benefits.

Decision of Board to be final.

to perform any duty imposed upon him or them, nothing herein contained shall be construed to prevent any proceeding against said officer or committee to compel him or them to perform such duty.

Superior Court
Clerk to act as
Treasurer; bond
of \$1,000.

SEC. 8. The Clerk of the Superior Court of Rowan County shall be Ex-Officio Treasurer of the Salisbury and Rowan County Peace Officers Protective Association, and shall give good and sufficient surety in a sum of not less than one thousand dollars (\$1,000.00), such bond to be paid out of the funds of the Association, and shall make annual reports to the Executive Board showing the total amount of money in his hands at the time of the filing of the report and also an account of receipts and expenditures since his last report. The accumulated funds of the Association may be invested in bonds and securities unan- imously approved by the Executive Board. All interest and other income received from investments or deposits shall be added to the principal of said fund. Expenditures shall only be made upon vouchers properly signed by the Chairman of the Executive Board and the Treasurer.

Annual report of
receipts and dis-
bursements.

Vouchers.

No salaries except
to Secretary of
\$25 per month.

SEC. 9. Salaries and Expenses. All officers and members of the Executive Board shall serve without compensation, and no salaries shall be paid except an appropriation of not more than twenty-five dollars per month for a Secretary who shall be appointed by the Executive Board. The salary of the said Secretary shall be fixed and determined by the Executive Board. Necessary office and stationery supplies shall be paid for out of the funds of the Association.

Necessary ex-
penses.

Adoption of con-
stitution and by-
laws.

SEC. 10. The Salisbury and Rowan County Peace Officers Protective Association shall adopt a constitution and by-laws, to be approved by the Executive Board, suitable for carrying out the provisions and purposes of this act.

Conflicting laws
repealed.

SEC. 11. That all laws or clauses of law in conflict with this act are hereby repealed.

SEC. 12. That this act shall be in full force and effect from and after its ratification.

Ratified this the 30th day of January, A.D., 1931.

CHAPTER 9

AN ACT TO VALIDATE THE OFFICIAL ACTS OF D. W. JULIAN, A JUSTICE OF THE PEACE OF ROWAN COUNTY.

Preamble.

Whereas, D. W. Julian, a Justice of the Peace of Rowan County, continued to perform the acts of his office without having requalified after the expiration of the term for which he had been appointed; *now, therefore,*

The General Assembly of North Carolina do enact:

SECTION 1. That each and all of the official acts of the said D. W. Julian, a Justice of the Peace, done and had by him after December one, one thousand nine hundred and twenty-eight and before December one, one thousand nine hundred and thirty, including all judgments rendered, probates taken, marriages performed, and any and all other acts whatsoever, be and the same are hereby in all respects validated.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 30th day of January, A.D., 1931.

Official acts of D. W. Julian, J. P., validated in Rowan County.

CHAPTER 10

AN ACT TO ABOLISH THE MONTGOMERY COUNTY HIGHWAY TRUSTEES AND TO TRANSFER THEIR DUTIES TO THE BOARD OF COUNTY COMMISSIONERS.

The General Assembly of North Carolina do enact:

SECTION 1. That the Montgomery County Highway Trustees, created by Chapter three hundred and forty-four, Public-Local Laws of one thousand nine hundred and twenty-one, be, and the same is hereby, abolished, and all of the powers, duties and privileges of said Montgomery County Highway Trustees are hereby transferred to the Board of County Commissioners of said Montgomery County.

SEC. 2. That from and after the ratification of this act all the public roads of Montgomery County shall be under the supervision, charge and control of the Board of County Commissioners of said county, and all the tax moneys now on hand or hereafter levied and collected in said county for road purposes shall be expended only under the direction and by the approval of said Board of County Commissioners.

SEC. 3. That on or before the first Monday in April, one thousand nine hundred and thirty-one, the Montgomery County Highway Trustees of said Montgomery County shall turn over and deliver to said Board of County Commissioners all their records, funds and moneys on hand, all machinery and equipment, together with all other property of every nature it may have belonging to said County; and the books and records of said Montgomery County Highway Trustees shall be audited under the direction of said Board of County Commissioners, and approved by them, and a report thereof entered upon the minutes of said board.

Ch. 344, Public-Local Laws 1921, amended, abolishing Montgomery County Highway Trustees.

Succeeded by County Commissioners.

Public roads placed under Commissioners.

Also all road funds.

Trustees required to surrender all funds and property by April, 1931.

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 5. That this act shall be in force and effect from and after its ratification.

Ratified this the 3rd day of February, A.D., 1931.

CHAPTER 11

AN ACT TO ALLOW THE COUNTY OF BUNCOMBE TO AID IN THE REOPENING OF CERTAIN BANKS.

Preamble.

Whereas, the County of Buncombe had on deposit funds in certain Banks in said County which have now suspended business, and

Whereas, the Corporation Commission of North Carolina has agreed with certain of these closed banks that they might reopen, provided the depositors would enter an agreement to suspend payment of their deposits for certain future periods; now, therefore,

The General Assembly of North Carolina do enact:

Buncombe County Commissioners authorized to contract with banks about to reopen not to withdraw funds.

SECTION 1. That the Board of County Commissioners of Buncombe County is hereby authorized to enter into any contract or contracts with any of such suspended Banks that might be permitted to reopen by the Corporation Commission, whereby the public funds on deposit in such bank or banks may remain therein and not be withdrawn except at certain stated times or intervals mutually agreed upon between such bank or banks and the Board of Commissioners of Buncombe County.

Retention of collateral by County.

SEC. 2. That the County Commissioners shall retain the collateral it now holds to secure any of the deposits in any of said bank or banks, *provided however*, that as such collateral is collected by the County Commissioners and turned into cash, the amount thereof shall be charged against the said deposits and the bank or banks shall charge the same to the account of the County. *Provided, however*, that nothing in this section shall relieve any of said Banks from its duty to allow withdrawal of deposits in accordance with the terms of the contract entered into pursuant to this act.

Disposition of liquidated collateral.

Withdrawal of deposits.

SEC. 2A. *Provided* that this act shall apply only to contracts made with Swannanoa Bank & Trust Company of Swannanoa, Bank of West Asheville of Asheville, and Farmers and Traders Bank of Weaverville.

Conflicting laws repealed.

SEC. 3. All laws or parts of laws inconsistent with this act shall be repealed.

SEC. 4. This act shall be in force from and after its ratification.

Ratified this the 3rd day of February, A.D., 1931.

CHAPTER 12

AN ACT TO AMEND CHAPTER THREE HUNDRED THIRTY-FIVE OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED TWENTY-SEVEN, IN SO FAR AS IT AFFECTS THE COUNTY OF MACON.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter three hundred and thirty-five of the Public-Local Laws of nineteen hundred and twenty-seven, be and the same is hereby repealed in so far as said act affects the County of Macon, and that section two thereof be amended by striking out, at the end of said section, the words "and Macon."

Ch. 335, Public-Local Laws 1927, amended as to Macon County.

SEC. 2. That no compensation shall be allowed any officer of Macon County for the seizure of any vehicle, automobile or other conveyance in which liquor is being transported or for producing evidence to convict any person or persons for the violation of the prohibition laws in the County of Macon, except their regular fees for arresting offenders or for seizing distilleries as provided by section three thousand four hundred one of the Consolidated Statutes.

Certain fees allowed officers for prohibition enforcement abolished.

Exceptions.

SEC. 3. That all laws and clauses of laws in conflict with this act are hereby repealed.

Conflicting laws repealed.

SEC. 4. That this act shall be in effect from and after its ratification.

Ratified this the 4th day of February, A.D., 1931.

CHAPTER 13

A BILL TO BE ENTITLED AN ACT RELATIVE TO THE COMPENSATION OF THE SHERIFF OF GRAHAM COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the Sheriff of Graham County shall receive for serving summons in civil actions one dollar and fifty cents; a subpoena fifty cents; for serving warrant or order of arrest in either criminal or civil action one dollar and fifty cents, which fees shall be in lieu of the fees heretofore allowed for serving same. All other fees shall be and remain the same as heretofore allowed the sheriff.

Fees of Graham County Sheriff.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Conflicting Laws Repealed.

SEC. 3. That this act shall be in force and effect from and after its ratification.

Ratified this the 5th day of February, A.D., 1931.

CHAPTER 14

AN ACT TO REPEAL CHAPTER FIFTY-FOUR OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-NINE, RELATIVE TO SALARIES AND FEES OF CERTAIN COUNTY OFFICIALS OF MACON COUNTY, AND RESTORING THE FEE SYSTEM.

The General Assembly of North Carolina do enact:

Ch. 54, Public-Local Laws 1929, repealed.

SECTION 1. That chapter fifty-four of the Public-Local Laws of nineteen hundred and twenty-nine, be and the same is hereby repealed.

Macon County officials restored to fee system.

SEC. 2. That the Clerk of the Superior Court, Register of Deeds, Tax Collector and Treasurer of Macon County, in lieu of any fixed salary, shall receive the regular fees now allowed or to be allowed by law in full compensation for their services.

Conflicting laws repealed.

SEC. 3. That all laws in conflict with the provisions of this act are hereby repealed.

Act effective February 1, 1931.

SEC. 4. That this act shall be in force from and after the first day of February, nineteen hundred and thirty-one.

Ratified this the 5th day of February, A.D., 1931.

CHAPTER 15

AN ACT TO ENLARGE THE POWERS AND DUTIES OF THE CONSTABLE OF ELIZABETH CITY TOWNSHIP, PASQUOTANK COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Elizabeth City Township Constable vested with power to serve processes.

SECTION 1. That the constable of Elizabeth City Township, Pasquotank County, is hereby authorized and directed to serve and execute all writs, summons, process, pleadings, executions, warrants, attachments and all other process and orders, directed to him under his official title by any Court of Justice of the Peace, Recorder's Court, Trial Justice's Court, Superior or other properly constituted Court, in the same manner and with the same power and authority as is now possessed by the Sheriff of Pasquotank County. For the convenience of parties and the expedition of legal business, it is the purpose of this act to invest the Constable of Elizabeth City Township with the same power and authority as the Sheriff of Pasquotank County in the service of all process, pleadings, executions, in the advertising and holding of sales under the latter, and all other orders whatsoever issuing from any State Court and directed to said Constable, and particularly, said Constable shall have full authority to do any and all things connected with the service of execution,

Same power as Pasquotank County Sheriff.

levy thereunder, the holding of sales, execution of bills of sale and deeds in consequence thereof, and any and all things necessary to perfect said sales.

SEC. 2. That said Constable shall receive the same fees for serving both criminal and civil writs as is now allowed by Law to said Constable. In the event no provision is now made for a fee in connection with the service of any writ or order, said Constable shall receive the same fee for the service thereof as is now or may hereafter be received by the sheriff of Pasquotank County.

To receive same fees as Sheriff.

SEC. 3. That said Constable shall take the same oath as is now required and shall give a bond for the faithful performance of his duties in the sum of two thousand, five hundred dollars.

Oath of office and bond of \$2500.

SEC. 4. That said Constable be, and he is hereby, given full authority to effectually dispose of all writs, process and orders referred to herein, and the service thereof, and all other acts in connection therewith shall be as valid and effective as if the same had been made by the Sheriff of Pasquotank County.

Powers made effective.

SEC. 5. That all laws and clauses of laws in conflict with this act are hereby repealed to the extent of said conflict.

Conflicting laws repealed.

SEC. 6. That this act shall be in force from and after its ratification.

Ratified this the 5th day of February, A.D., 1931.

CHAPTER 16

AN ACT TO AMEND CHAPTER FORTY-ONE OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-SEVEN, RELATING TO THE SALARY OF THE TREASURER OF TRANSYLVANIA COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter forty-one, Public-Local Laws of one thousand nine hundred and twenty-seven, be amended by striking out the words and figures "Two Thousand and Six Hundred Dollars (\$2,600.00)" in lines seven and eight of Section one, and inserting in lieu thereof the words "One Thousand and Eight Hundred Dollars (\$1,800.00), the treasurer to pay the premium on his official bond out of said sum."

Ch. 41, Public-Local Laws 1927, amended, reducing salary of Transylvania County Treasurer.

New salary \$1,800, inclusive of premium on bond. Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 3. That this act shall be in full force and effect from and after the first Monday in December, one thousand nine hundred and thirty-two.

Act effective December, 1932.

Ratified this the 5th day of February, A.D., 1931.

CHAPTER 17

AN ACT VALIDATING OFFICIAL ACTS OF J. M. WEAVER, JUSTICE OF THE PEACE OF PINEY CREEK TOWNSHIP, ALLEGHANY COUNTY, NORTH CAROLINA.

Preamble.

Whereas, J. M. Weaver has, for several years, been an acting Justice of the Peace in Piney Creek Township, Alleghany County, North Carolina, and has performed his duties in an honorable and conscientious manner; and

Whereas, his term of office expired on December first, one thousand nine hundred and thirty, and the said J. M. Weaver continued, in good faith, to perform the ordinary duties of a Justice of the Peace after the expiration of his term.

The General Assembly of North Carolina do enact:

Acts of J. M. Weaver, J. P., validated in Alleghany County.

SECTION 1. That all the official acts of the said J. M. Weaver, executed by him from December first, one thousand nine hundred and thirty to January the fifteenth, one thousand nine hundred and thirty-one, are hereby validated, confirmed and made legal, regular and binding in all respects.

SEC. 2. That this act shall be in force and effect from and after its ratification.

Ratified this the 5th day of February, A.D., 1931.

CHAPTER 18

AN ACT TO VALIDATE THE ACTS OF J. D. BARDIN, A FORMER CLERK OF THE SUPERIOR COURT OF WILSON COUNTY.

Preamble, appointment of J. D. Bardin as Clerk Superior Court of Wilson County.

Whereas, J. D. Bardin was appointed Clerk of the Superior Court by the resident judge of the district on August fourteenth, one thousand nine hundred sixteen, to fill the unexpired term of S. G. Newborn, and

Re-election for various terms.

Whereas, Upon a misinterpretation of the laws applicable, J. D. Bardin was elected Clerk of the Superior Court for a term of four years from November, one thousand nine hundred sixteen, and was re-elected at the general elections of one thousand nine hundred twenty, one thousand nine hundred twenty-four and one thousand nine hundred twenty-eight, each for a term of four years, and

Whereas, During all this period he continued to perform the duties and exercise the functions of Clerk of the Superior Court, and

Whereas, said J. D. Bardin, on the first Mondays in December one thousand nine hundred sixteen, one thousand nine hundred

twenty, one thousand nine hundred twenty-four and one thousand nine hundred twenty-eight, executed and tendered the official bond required of him and said bonds were accepted each time for a term of four years by the Board of Commissioners, therefore,

Official bond given for each term.

The General Assembly of North Carolina do enact:

SECTION 1. That all the acts done by J. D. Bardin, as Clerk of the Superior Court, where they were in accordance with the laws and statutes in such cases made and provided, during the period from his induction into office on the first Monday in December one thousand nine hundred sixteen to the end of his incumbency of said office, on or about the first Monday in December, one thousand nine hundred thirty, be, and the same are, in all particulars validated and made effective to the same degree as they would have been so valid had there been no defect in the title of the said J. D. Bardin to the office of Clerk of the Superior Court of Wilson County.

Official acts validated during his incumbency.

SEC. 2. This act shall take effect from and after its ratification.

Ratified this the 5th day of February, A.D., 1931.

CHAPTER 19

AN ACT TO AMEND CHAPTER TWO HUNDRED AND TWO, PUBLIC-LOCAL LAWS NINETEEN HUNDRED AND TWENTY-NINE, ENTITLED AN ACT TO CREATE A JURY COMMISSION FOR THE COUNTY OF JACKSON.

The General Assembly of North Carolina do enact:

SECTION 1. That that part of section six, chapter two hundred and two, Public-Local Laws, nineteen hundred and twenty-nine, beginning with the word "that" in line six (6) and ending with the word "court" in line fifteen (15) of said section be stricken out and in lieu thereof the following be substituted:

Ch. 202, Public-Local Laws 1929, amended.

"That for each of the February and October terms of court there shall be drawn sixty-six (66) names respectively, the first forty-two of which, in each instance, shall be subject to jury service for the first week of each term, respectively, and the remaining twenty-four (24) shall in each instance be subject to jury service for the second week of said terms respectively. That for the May term there shall be drawn forty-eight (48) names, twenty-four (24) of whom shall be subject to jury service for the first week of said term and the remaining twenty-four (24) for the second week of said term."

Drawing of juries for terms of Superior Court in Jackson County.

Conflicting laws repealed.

SEC. 2. All laws and parts of laws in conflict with this act are hereby repealed.

SEC. 3. This act shall be in force from and after its ratification.

Ratified this the 5th day of February, A.D., 1931.

CHAPTER 20

AN ACT TO REPEAL CHAPTER THREE HUNDRED NINETY-EIGHT, PUBLIC-LOCAL LAWS, ONE THOUSAND NINE HUNDRED AND TWENTY-NINE, RELATING TO CLOSING OF SERVICE STATIONS ON SUNDAY IN YADKIN COUNTY.

The General Assembly of North Carolina do enact:

Ch. 398, Public-Local Laws 1929, repealed as to closing of service stations on Sunday in Yadkin County.

Conflicting laws repealed.

SECTION 1. That chapter three hundred and ninety-eight, Public-Local Laws, One Thousand Nine Hundred and Twenty-nine be and the same is hereby repealed.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 3. That this act shall be in full force and effect from and after its ratification.

Ratified this the 6th day of February, A.D., 1931.

CHAPTER 21

AN ACT TO REPEAL CHAPTER THREE HUNDRED EIGHTY-SIX, PUBLIC-LOCAL LAWS, ONE THOUSAND NINE HUNDRED TWENTY-FIVE, RELATING TO RURAL POLICE FOR BLADEN COUNTY.

The General Assembly of North Carolina do enact:

Ch. 386, Public-Local Laws 1925, repealed, abolishing rural police in Bladen County.

SECTION 1. That chapter three hundred and eighty-six of the Public-Local Laws of one thousand nine hundred and twenty-five, be and the same is hereby repealed.

SEC. 2. That this act shall be in full force and effect from and after its ratification.

Ratified this the 6th day of February, A.D., 1931.

CHAPTER 22

AN ACT TO REGULATE THE REGISTRATION OF PLATS IN GASTON COUNTY.

The General Assembly of North Carolina do enact:

Specifications for plats registered in Gaston County.

SECTION 1. That all plats which shall hereafter be registered in the office of the register of deeds for Gaston County shall be

on linen paper and of a size not greater than eighteen (18) inches by twenty-four (24) inches: *Provided, however, that plats may be made in different sections, each section conforming to the above specifications.*

SEC. 2. That the board of county commissioners of Gaston County in their discretion may order any or all plats which have heretofore been registered in said county to be copied by a civil engineer or surveyor to be designated by said board, in such manner as to conform with section one of this act. The said civil engineer or surveyor shall certify on the margin of each plat so copied that it is a true and correct copy of the original, or of a section of the original, referring to the book and page where the original is recorded, which certificate shall be signed by him and witnessed by the register of deeds, and such new plat or plats shall thereupon be pasted or securely attached in the plat book in the office of the register of deeds for said county without further order or probate, and the register of deeds shall make the usual certificate of registration. Such new plats, when so registered, shall be competent as evidence in the same manner and to the same extent as the original plats now are.

Copying of plats
already registered.

Certification.

Competent as
evidence.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Conflicting laws
repealed.

SEC. 4. That this act shall be in full force and effect from and after its ratification.

Ratified this the 6th day of February, A.D., 1931.

CHAPTER 23

AN ACT TO REPEAL CHAPTER THREE HUNDRED AND TWENTY-SIX, PUBLIC-LOCAL LAWS, ONE THOUSAND NINE HUNDRED AND TWENTY-NINE, RELATING TO THE GATHERING OF GALAX LEAVES IN AVERY, MITCHELL AND WATAUGA COUNTIES.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter three hundred and twenty-six, Public-Local Laws, one thousand nine hundred and twenty-nine, be and the same is hereby repealed.

SEC. 2. That this act shall be in full force and effect from and after its ratification.

Ratified this the 6th day of February, A.D., 1931.

Ch. 326, Public-
Local Laws 1929,
repealed as to
gathering galax
leaves in certain
counties.

CHAPTER 24

AN ACT AUTHORIZING THE BOARD OF COMMISSIONERS OF CAMDEN COUNTY TO APPOINT RURAL POLICEMEN FOR SAID COUNTY.

The General Assembly of North Carolina do enact:

Rural policemen authorized for Camden County.

SECTION 1. That the Board of County Commissioners of Camden County may, if they deem it advisable and for the best interests of the County, appoint such number of rural policemen, not exceeding three, for said County as in their judgment may be necessary to carry out the provisions of this Act. The person or persons appointed under this Act shall be able-bodied men of good character and known to be in favor of law enforcement. The said Commissioners shall fix the term for which said policemen shall serve, not exceeding two years from the date of appointment, not to extend beyond the first Monday in December next following a general election, and said Commissioners may remove either or all of said policemen at any time, that in their judgment, they may desire so to do.

Qualifications.

Term of office.

Removal.

Power of arrest.

SEC. 2. That said policemen appointed under this Act shall be authorized to serve all criminal processes and make any arrests for the violation of any and all criminal laws, with the same authority and power as the sheriff of Camden County, and shall at all times obey and carry out the orders of the Sheriff and Board of Commissioners of said County not inconsistent with this Act.

To act under Sheriff.

Arresting without warrant.

SEC. 3. That said policemen shall have authority, for any suspected or committed crime, whether upon view or on prompt information and complaint, to arrest without warrant and shall have the right and authority to summons any person or persons to assist in enforcing the laws and in arresting violators thereof. When any arrest is made without warrant, the person so arrested shall be forthwith carried before a magistrate or recorder of said County and a warrant of arrest procured and disposed of as the magistrate or recorder shall direct.

Collection of fees.

Compensation.

SEC. 4. That it shall be the duty of each policeman provided for under the provisions of this Act to collect the fees for all process work rendered by him in criminal cases and the fees so collected shall be the same as now provided by law plus an additional fee of not more than three dollars in each case where there is a conviction, and all such fees so collected shall be retained by said policeman as compensation for his services.

To give bond of \$250.

SEC. 5. That any policeman appointed under this Act shall, before entering upon the discharge of his duties and before being commissioned by the County Commissioners, enter into a bond in the sum of two hundred and fifty dollars (\$250.00), surety to be approved by said Commissioners conditioned for the

faithful performance of his duties and shall take and subscribe the oath pertaining to such officers of the law in North Carolina.

Oath of office.

SEC. 6. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict only.

Conflicting laws repealed.

SEC. 7. That this Act shall become effective from and after its ratification.

Ratified this the 6th day of February, A.D., 1931.

CHAPTER 25

AN ACT TO LICENSE DOG KENNELS IN DURHAM COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That any person or persons, firms or corporations, owning ten or more dogs and kept confined during the closed season, may pay kennel license tax of ten dollars in lieu of one dollar for males and two dollars for females.

License tax on dog kennels in Durham County.

SEC. 2. That this act shall apply only to Durham County.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Conflicting laws repealed.

SEC. 4. That this act shall be in full force and effect from and after its ratification.

Ratified this the 10th day of February, A.D., 1931.

CHAPTER 26

AN ACT RELATIVE TO THE SALARIES OF THE RECORDER, PROSECUTING ATTORNEY AND CLERK OF THE RECORDER'S COURT OF THE CITY OF MONROE.

The General Assembly of North Carolina do enact:

SECTION 1. That on and after April first, one thousand nine hundred and thirty-one, the salaries of the officials of the Recorder's Court of the City of Monroe and Union County shall be as follows: The Recorder shall receive a salary of twelve hundred dollars per annum, the Prosecuting Attorney a salary of one thousand dollars per annum, and the Clerk of the Recorder's Court a salary of three hundred dollars per annum, all salaries to be paid monthly, one-half of each of which shall be paid by the City of Monroe, and the remaining half by the County of Union, and by the treasurers thereof respectively.

Salaries of Monroe and Union County Recorder's Court after April 1, 1931.
Recorder, \$1,200.
Solicitor, \$1,000.
Clerk, \$300.

SEC. 2. That the terms of office of the Recorder and Prosecuting Attorney of said Recorder's Court, who were elected at the election in November, one thousand nine hundred and thirty,

Salaries prorated.

Expiration date of terms of office of incumbents.

Election of new officials.

shall terminate on the first Monday in December, one thousand nine hundred and thirty-two, at which time the terms of office of the Recorder and Prosecuting Attorney of said Recorder's Court to be chosen at the election to be held in November, one thousand nine hundred and thirty-two, shall begin and take effect.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 4. That this act shall be in force and effect from and after its ratification.

Ratified this the 10th day of February A.D., 1931.

CHAPTER 27

AN ACT TO VALIDATE THE ACTS OF J. F. BARWICK, JUSTICE OF THE PEACE FOR AYDEN TOWNSHIP, PITT COUNTY.

Preamble, appointment of J. F. Barwick as J. P. in Pitt County.

Whereas, at the Special Session of nineteen hundred twenty-four, J. S. Ross of Ayden Township, Pitt County, was appointed a Justice of the Peace for a term of six years; and

Whereas, the said J. S. Ross resigned said office as Justice of the Peace in December, nineteen hundred twenty-six; and

Whereas, J. F. Barwick was duly appointed by the Clerk of the Superior Court of Pitt County to fill the unexpired term of the said J. S. Ross, resigned, on the twentieth day of December, nineteen hundred twenty-six; and

Whereas, the said J. F. Barwick duly qualified for said office and has since acted in said capacity up to and including January first, nineteen hundred thirty-one; *now therefore,*

The General Assembly of North Carolina do enact:

Official acts of Barwick validated.

SECTION 1. That the acts of J. F. Barwick as Justice of the Peace for Ayden Township, Pitt County, since the twentieth day of December, nineteen hundred twenty-six, be and the same are hereby approved and ratified and made valid in all respects.

SEC. 2. That this act shall be in full force from and after its ratification.

Ratified this the 10th day of February, A.D., 1931.

CHAPTER 28

AN ACT TO PLACE THE OFFICERS OF GRAHAM COUNTY ON SALARY AND FOR OTHER PURPOSES.

The General Assembly of North Carolina do enact:

Salary of Tax Collector of Graham County \$2,000.

SECTION 1. That the Tax Collector of Graham County shall receive a salary of two thousands dollars per annum as full compensation for his services as Tax Collector, which salary

shall be in lieu of all commissions now allowed for the collection of taxes.

The sheriff of Graham County shall receive the fees and emoluments now provided by law and shall receive three dollars per day, each, for two deputies to assist in holding courts during the terms thereof.

Sheriff, fees provided by law, plus \$3 per day for each of two deputies.

The Sheriff and Tax Collector shall collect all taxes levied by the County Commissioners of Graham County, all corporations and privilege taxes, and any other taxes which may be hereinafter levied for collection for the compensation set out above. All taxes to be collected and settled by said Sheriff and Tax Collector as required by Chapter two hundred and thirteen, Section number six of the Public Laws of North Carolina, Session nineteen hundred and twenty-seven.

Collection of taxes.

Settlement of taxes.

SEC. 2. That the Clerk of the Superior Court of Graham County shall receive a salary of twelve hundred dollars per annum payable monthly by the Board of County Commissioners from the General County Funds in lieu of all fees collected by him by virtue of his office, and he shall keep an accurate record thereof and account to the Board of County Commissioners of Graham County on the first Monday of each month for the fees provided by Section Number three thousand nine hundred and three of Consolidated Statutes of North Carolina, received by him in the preceding Month which money shall be credited to the General County Funds of Graham County.

Clerk of Superior Court, \$1,200.

Record and account.

That the Clerk of the Superior Court shall keep his office open every day, except Sundays and holidays, from nine a. m., to four p. m., for the transaction of business.

Office hours of Clerk.

SEC. 3. That the Register of Deeds of Graham County for his duties as Register of Deeds and Ex-Officio Clerk of the Board of County Commissioners and all duties performed by him pertaining to said office shall receive a salary of twelve hundred dollars per annum, to be paid from the General County Funds of the County by the Board of County Commissioners, on the first Monday of every month; and that the said Register of Deeds shall keep a true and accurate account of the fees received, according to Section Number three thousand, nine hundred and six of Consolidated Statutes, by him by virtue of his office and shall account and turn over to the Board of County Commissioners on the first Monday of every Month the fees received during the preceeding month, which sum shall be credited to the General County Funds; and that the said Register of Deeds shall keep his office open for the transaction of business, except on Sundays and holidays, from nine a. m., to four p. m.

Register of Deeds, \$1,200.

Account of fees.

Office hours.

SEC. 4. That the County Accountant of Graham County shall receive a salary of Twelve hundred dollars per annum, to be paid from the General County Funds of Graham County by the

County Accountant, \$1,200.

Board of County Commissioners, on the first Monday of every month and to conduct his office as is required by the Fiscal Control Act, Chapter one hundred and forty-six of the Public Laws of North Carolina, Session nineteen hundred and twenty-seven, *provided* that if the Register of Deeds and the Clerk of the Board of County Commissioners is appointed County Accountant as provided by Section three of said Act; that he shall receive for his duties as County Accountant a sum not exceeding five hundred dollars in addition to his salary as Register of Deeds and Clerk to the Board of County Commissioners, same to be paid as hereinbefore provided for the payment of the salary of the County Accountant.

If Register of Deeds is named County Accountant, \$500 additional.

Designation of County depository and Treasurer.

SEC. 5. That it shall be the duty of the Board of County Commissioners of Graham County on the first Monday of July of each year to select and designate, by recorded resolutions, some Bank or Trust Company in Graham County as Treasurer of the funds for the County, and the County Commissioners shall require of such Treasurer a bond in some surety company authorized to do business in North Carolina or a good and sufficient personal bond to be appraised and approved by the State Sinking Fund Commission in an amount sufficient to protect the funds of Graham County, but in no event not less than the average daily bank balance of the County for the preceeding year. *Provided*, that if there is no Bank or Trust Company in Graham County to be designated as Treasurer under the foregoing provision; that it shall be the duty of the Chairman of the State Sinking Fund Commission to appoint some qualified and reputable citizen of Graham County as Treasurer thereof, and require of him a good and sufficient bond as above provided; and that he shall receive for his services as acting as said Treasurer a sum not exceeding one per cent of the gross receipts of monies paid into his office from taxes and shall settle with the Board of County Commissioners of Graham County biennially on the first Monday of July and the First Monday of January of each year after his appointment; and at any and such other times as he may be required to do by the Board of County Commissioners of Graham County.

Bond.

Citizen as Treasurer in absence of bank; bond.

Compensation, 1% of gross receipts.

Conflicting laws repealed.

When act is effective.

SEC. 6. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 7. That this act shall take effect insofar as it refers to the Tax Collector on the first Monday of October, nineteen hundred and thirty-three. That as to the Sheriff, Register of Deeds and Clerk of the Superior Court, the same shall take effect on the first Monday of December, nineteen hundred and thirty-two, and as to the County Accountant on the First Monday of April, nineteen hundred and thirty-three.

Ratified this the 10th day of February. A.D., 1931.

CHAPTER 29

AN ACT DECREASING THE BOARD OF COUNTY COMMISSIONERS OF TRANSYLVANIA COUNTY FROM FIVE TO THREE MEMBERS.

The General Assembly of North Carolina do enact:

SECTION 1. That on and after the first Monday in December, one thousand nine hundred and thirty-two, the Board of County Commissioners of Transylvania County be and it is hereby decreased from five to three members.

Reduction of Transylvania County Commissioners from five to three; when effective.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this act shall be in force and effect from and after its ratification.

Ratified this the 10th day of February, A.D., 1931.

CHAPTER 30

AN ACT TO PROVIDE FOR THE APPOINTMENT OF THE SCHOOL COMMITTEE FOR GREEN CREEK SCHOOL DISTRICT IN GREEN CREEK TOWNSHIP, POLK COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the manner of electing the school committee of Green Creek School District in Green Creek Township, Polk County, at an annual public election on the first Saturday in February be and the same is hereby abolished.

Method of electing Green Creek School Committee, Polk County, changed.

SEC. 2. That the school committee of said school shall be appointed for a period of six (6) years as hereinafter provided.

Appointment provided for.

SEC. 3. That beginning with the first Saturday in February nineteen hundred thirty-one, the following committee shall be appointed:

Names of new committeemen.

For a term of six (6) years . . . D. F. Shields, Passion, N. C.

For a term of four (4) years . . . B. E. Hinsdale, Passion N. C.

For a term of two (2) years . . . Melvin Swain, Passion, N. C.

At the expiration of the two (2) year term each two (2) years thereafter, the County Board of Education of Polk County shall appoint a member for the expired term, *provided*, that upon petition of three-fourths of the qualified electors of said school district an election may be ordered by said County Board of Education to be held in said school district to fill the vacancy of the expired term.

Subsequent appointments by Board of Education.

Election called upon petition

Application of Act.

SEC. 4. That the provisions of this Act shall apply only to the election of the school committee of the Green Creek School District in Green Creek Township, Polk County.

Conflicting laws repealed.

SEC. 5. That all laws and clauses of laws in conflict with this act be and the same are hereby expressly repealed.

Ratified this the 10th day of February, A.D., 1931.

CHAPTER 31

AN ACT TO ESTABLISH WASHINGTON ELECTRIC SERVICE DISTRICT.

Preamble.

Whereas, general development of farms and homes in Beaufort County beyond the corporate limits of the several towns requires the use of electric current which is now not available to them; and

Whereas, the general welfare of Beaufort County, and especially Washington, its County Seat, and the other incorporated towns therein, can be promoted by the general distribution of electric current throughout Beaufort County; and

Need of electric current throughout Beaufort County.

Whereas, Washington and other towns within Beaufort County, for the primary purpose of supplying its citizens, homes therein, and general needs, adequate at all times, electric current, own and operate large electric current producing plants which necessitate stand-by or duplicate machinery and equipment seldom used more than four hours out of the twenty-four, to-wit, between the hours of six and ten o'clock P. M., thus causing much of such equipment, under present conditions, to be idle approximately twenty hours out of each twenty-four; and

Whereas, the general development of homes and farms within Beaufort County can be materially promoted by the use of electric current of said town, which may be produced and distributed without loss or burden on such town, mainly during the twenty hours out of each twenty-four when surpluses thereof do exist and the machinery for the production thereof is mostly idle; that such promotion of welfare will be materially beneficial to such towns and Beaufort County generally, *now therefore*,

The General Assembly of North Carolina do enact:

Washington Electric Service District created.

SECTION 1. That there is hereby established WASHINGTON ELECTRIC SERVICE DISTRICT as an amendment to the charter of the Town of Washington.

Boundaries comprise Beaufort County.

SEC. 2. That the boundaries of Washington Electric Service District are hereby established and are as follows: to-wit, the boundaries of Beaufort County as the same exist on this day in detail as specifically as if the boundaries of Beaufort County were herein copied.

SEC. 3. That the City of Washington and other towns within the boundaries of Washington Electric Service District, through their respective agencies, are hereby permitted, authorized and empowered in the exercise of their discretion, expressed by proper resolution, to build and maintain efficient lines and auxiliaries thereto for the transmission of electric current and operate the same beyond the corporate limits of Washington and other towns within the boundaries of said District and any other adjoining county, for the purpose of transmitting and selling electric current throughout Beaufort County and any other adjoining county for the primary purpose of promoting the development of homes and farms and the general welfare of the people within said territory and to charge therefor reasonable compensation as municipal corporations, political sub-divisions of the Government of the State of North Carolina, with all the privileges and immunities existing in favor of municipalities operating within the boundaries herein mentioned.

Lines authorized to be constructed.

Under Washington Martin Pitt Crown Pamlico

Reasonable compensation to be charged.

SEC. 4. Nothing in this Act shall be construed to empower the furnishing, sale or transmission of electric current for the objects herein expressed unless such electric current shall be directly furnished, provided or sold by the City of Washington or by some other town within the boundaries of Beaufort County.

Limitation of Act.

SEC. 5. That all acts by the towns within said District relative to property tending to accomplish the purpose of this Act are hereby ratified, confirmed and validated and made legal acts of the respective towns.

Validation of acts looking toward accomplishment.

SEC. 6. That all laws and clauses of laws in conflict herewith are hereby repealed.

Conflicting laws repealed.

SEC. 7. That this Act shall be in force from and after its ratification.

Ratified this the 10th day of February, A.D., 1931.

CHAPTER 32

AN ACT TO AMEND CHAPTER ONE OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-NINE, RELATING TO PUBLIC DRUNKENNESS IN MACON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter one of the Public-Local Laws of nineteen hundred and twenty-nine, be amended by striking out the words "twenty-five dollars" in line three of section two, and inserting in lieu thereof the words "ten dollars."

Ch. 1, Public-Local Laws 1929, amended; public drunkenness in Macon County.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 10th day of February, A.D., 1931.

CHAPTER 33

AN ACT AUTHORIZING THE BOARD OF COMMISSIONERS OF DARE COUNTY TO APPOINT RURAL POLICEMEN FOR SAID COUNTY.

The General Assembly of North Carolina do enact:

Rural policemen to be appointed in Dare County.

SECTION 1. That the Board of County Commissioners of Dare County may, if they deem it advisable and for the best interests of the County, appoint such number of rural policemen, for said County as in their judgment may be necessary to carry out the provisions of this Act. The person or persons appointed under this Act shall be able-bodied men of good character and known to be in favor of law enforcement. The said Commissioners shall fix the term for which said policemen shall serve, not exceeding two years from the date of appointment, nor to extend beyond the first Monday in December next following a general election, and said Commissioners may remove either or all of said policemen at any time, that in their judgment, they may desire so to do.

Qualifications.

Term of office.

Removal.

Criminal powers.

SEC. 2. That said policemen appointed under this Act shall be authorized to serve all criminal processes and make any arrests for the violation of any and all criminal laws, with the same authority and power as the sheriff of Dare County, and shall at all times obey and carry out the orders of the Sheriff and Board of Commissioners of said County not inconsistent with this Act.

To obey orders of Sheriff.

Power of arrest.

SEC. 3. That said policemen shall have authority, for any suspected or committed crime, whether upon view or on prompt information and complaint, to arrest without warrant and shall have the right and authority to summons any person or persons to assist in enforcing the laws and in arresting violators thereof. When any arrest is made without warrant, the person so arrested shall be forthwith carried before a magistrate or recorder of said County and a warrant of arrest procured and disposed of as the magistrate or recorder shall direct.

Arrest without warrant.

Collection of fees for process work.

SEC. 4. That it shall be the duty of each policeman provided for under the provisions of this Act to collect the fees for all

process work rendered by him in criminal cases and the fees so collected shall be the same as now provided by law plus an additional fee of not more than three dollars in each case where there is a conviction, and all such fees so collected shall be retained by said policeman as compensation for his services. In cases where it becomes necessary to incur extra expense in the arrest and transportation of criminals within said County, upon conviction, the said necessary expense shall be included in the bill of costs; and where same is not paid by the defendant, or in case there be an acquittal, the said essential and necessary expense shall be provided for by the County Board of Commissioners, as in other cases tried in the Superior Court of said County.

Additional fee of \$3 in event of conviction.

Extra expense to be taxed in bill of costs.

SEC. 5. That any policeman appointed under this Act shall, before entering upon the discharge of his duties and before being commissioned by the County Commissioners, enter into a bond in the sum of two hundred and fifty dollars (\$250.00), surety to be approved by said Commissioners conditioned for the faithful performance of his duties and shall take and subscribe the oath pertaining to such officers of the law in North Carolina.

Bond of \$250.

Oath of office.

SEC. 6. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict only.

Conflicting laws repealed.

SEC. 7. That this Act shall become effective from and after its ratification.

Ratified this the 10th day of February, A.D., 1931.

CHAPTER 34

AN ACT TO AUTHORIZE PAYMENT OF SALARIES AND EXPENSES OF FARM DEMONSTRATION AGENT AND HOME DEMONSTRATION AGENT OF ROCKINGHAM COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That whereas a farm demonstration agent and a home demonstration agent are employed in Rockingham County and engaged in the performance of the duties of their respective offices; and, whereas funds to pay such farm demonstration agent and home demonstration agent were not directly provided for in the county budget, the board of commissioners of Rockingham County is authorized and empowered to appropriate and use for the payment of such farm demonstration agent and home demonstration agent salaries and expenses for the fiscal

Provision for payment of salaries to Rockingham County Farm and Home Demonstration Agents.

Out of excess or surplus of taxes.

year one thousand nine hundred thirty-three out of the excess or surplus of any funds that may accrue to Rockingham County from taxes levied for any purpose and that such excess or surplus to the extent necessary, if sufficient, shall be applied to the payment of said salaries and expenses; *provided*, that this act shall not authorize the diverting of any funds from taxes levied for the payment of bonded indebtedness or interest thereon.

Exception: taxes levied for bonds.

SEC. 2. That this act shall be in force and effect from and after its ratification.

Ratified this the 10th day of February, A.D., 1931.

CHAPTER 35

AN ACT TO REPEAL CHAPTER SEVENTEEN OF THE PUBLIC-LOCAL LAWS OF NINETEEN HUNDRED AND TWENTY-FIVE, SAID ACT BEING AN ACT FOR THE RELIEF OF THE COMMISSIONERS OF MADISON COUNTY AND TO SET ASIDE FIVE PERCENT OF THE TAXES COLLECTED FOR ALL PURPOSES IN SAID COUNTY OF MADISON TO PAY THE SALARY OF THE OFFICERS AND DIVERT CERTAIN SINKING FUNDS OF THE COUNTY TO PAY OFFICERS AND OTHER EXPENSE.

Ch. 17, Public-Local Laws 1925, repealed, providing for payment of salaries in Madison County.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter seventeen of the Public-Local Laws of one thousand nine hundred and twenty-five be and the same is hereby repealed.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 10th day of February, A.D., 1931.

CHAPTER 36

AN ACT AUTHORIZING THE PUBLIC SCHOOL COMMITTEE OR TRUSTEES OF MILTON SCHOOL DISTRICT TO CONVEY CERTAIN LANDS TO THE COUNTY BOARD OF EDUCATION OF CASWELL COUNTY.

Preamble, Freeman's Union School property, Caswell County.

That whereas, GEORGE W. THOMPSON, did on August, ninth, eighteen hundred and sixty-nine, make, execute and deliver a deed to Green Jackson, Nat Wooding, Albert Johnston, Moses Donoho, Lewis Tryon and Abram Tryon, Trustees of Freeman's Union School for the colored race, at Milton, North Carolina, which deed is duly recorded in the office of the Register of Deeds for Caswell County, in Book "JJ", on page seven hundred and forty; and

Whereas, the said Trustees and the Public School Committee of Milton School District have had the use and control of the lands and buildings thereon since the execution of said deed, and it has been used for school purposes for the colored race; and

Used by Milton School District.

Whereas, the Trustees mentioned in said deed are dead, the Public School Committee of said District have continued control and possession of said lands for Public School purposes for the colored race; and

Whereas, the Board of Education for Caswell County has recently purchased a lot adjoining said property and built thereon a school building for the use of the colored race; and

Whereas, the Public School Committee of said District desire to convey to the Board of Education of Caswell County, North Carolina the lands mentioned and described in said deed with buildings thereon, *now, therefore,*

Desirability of conveyance of property to Board of Education.

The General Assembly of North Carolina do enact:

SECTION 1. That the Public School Committee, or Trustees of Milton School District be, and they are hereby authorized and empowered to convey to the Board of Education of Caswell County the lands and buildings mentioned and described above.

Conveyance authorized.

SEC. 2. That all laws, clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in force from and after its ratification.

Ratified this the 10th day of February, A.D., 1931.

CHAPTER 37

AN ACT TO AMEND CHAPTER FOUR HUNDRED NINETY-EIGHT OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-THREE SO AS TO CHANGE THE COMPENSATION OF THE SHERIFF OF BRUNSWICK COUNTY, AND TO CREATE THE OFFICE OF TAX COLLECTOR, AND TO PROVIDE FOR SECURITY TO BE FURNISHED BY THE FISCAL AGENT OF SAID COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section one of chapter four hundred and ninety-eight of the Public-Local Laws of one thousand nine hundred and twenty-three be and the same is hereby amended by substituting a period for the colon after the word "executions" in line five of said section and by striking out the following words in line five, six and seven thereof: "Provided, nothing herein shall excuse the sheriff from serving executions and accounting for all fees and commissions thereon."

Ch. 498, Public-Local Laws 1923, amended.

Commissions and fees of Brunswick County Sheriff.

Law again amended.

SEC. 2. That chapter four hundred ninety-eight of the Public-Local Laws of one thousand nine hundred and twenty-three be and the same is hereby amended by striking out all of section two and substituting therefor the following:

New section 2, fees of Sheriff.

"SEC. 2. That the sheriff of Brunswick County shall be entitled to all fees, commissions, profits and emoluments as part of his compensation for his services which he may hereafter, by virtue of his office, collect."

Law again amended.

SEC. 3. That chapter four hundred ninety-eight of the Public-Local Laws of one thousand nine hundred and twenty-three be and the same is hereby amended by striking out all of section three and substituting therefor the following:

New section 3, salary of Sheriff \$1,800.

"SEC. 3. That the sheriff of Brunswick County shall receive a salary at the rate of one thousand eight hundred (\$1,800.00) dollars per annum payable in equal monthly installments out of the General Fund of the county."

Township deputies.

SEC. 4. That the sheriff of Brunswick County shall be allowed to appoint a deputy in each township, which deputy shall be entitled to process fees as compensation for his services.

To receive process fees. Sheriff relieved of tax collecting duties; office of tax collector created.

SEC. 5. That the sheriff of Brunswick County shall be hereby relieved of all duties and powers relating to the collection of taxes and the board of county commissioners shall appoint some person who is a resident of the county as tax collector upon whom shall be hereafter imposed and conferred all the duties and powers relating to the collection of taxes now imposed and conferred by general law upon sheriffs, said tax collector to hold office at the will of the board of county commissioners, or until the appointment of his successor.

Term of office.

Duties of tax collector.

SEC. 6. That the tax collector of Brunswick County shall maintain an office at the courthouse and serve full time. He shall keep such office open at all times for the purpose of receiving taxes, except that it shall be his duty to collect taxes at some public place in each township for one day during the months of October, November and December after having posted notice at at least three public places in a township specifying the day and place where he shall appear for the purpose of collecting and receiving taxes of that township. His office hours shall be fixed by the board of county commissioners, whose order he shall follow accordingly. He shall receive as compensation for his services a commission on all taxes collected by him or any of his deputies or assistants computed upon collections of each year's levy at the following rates: one per centum of the first one hundred thousand dollars, two per centum of the next fifty thousand dollars and three per centum of the balance of collections: *Provided, however*, if privileged (Schedule "B") license taxes are levied in the county, he shall collect the same and shall receive

Office hours.

Compensation to be based on collections.

Percentages.

Compensation for collecting privilege taxes.

a commission of five per centum of such collections, and said tax collector shall be entitled to no other compensation whatsoever than as provided in this Act.

SEC. 7. That the tax collector of Brunswick County shall daily deposit all collections of taxes with the fiscal agent to the credit of the county, and to assure the faithful performance of all the duties imposed upon said tax collector, the board of county commissioners shall require him to furnish bond of not less than twenty thousand (\$20,000) dollars in some surety company authorized to do business in North Carolina. As soon as the tax collector has qualified and has been inducted into office, the sheriff shall make full and complete settlement for the taxes of the levy of the year one thousand nine hundred and thirty and shall deliver the uncollected tax receipts to said tax collector.

Daily deposit of collections.

Bond of \$20,000.

Settlement of Sheriff with tax collector.

SEC. 8. That such bank as may have been or may hereinafter be appointed as fiscal agent of Brunswick County shall furnish for the protection of county money deposited therewith such bonds or notes as have been approved by the board of county commissioners and the county attorney, and such bonds or notes shall be placed in a safe deposit box with said fiscal agent and subject to the order of the board of county commissioners: *Provided, however*, the board may, in its discretion, require at any time additional bonds, notes or other security.

Deposit bonds required of fiscal agent.

Additional security.

SEC. 9. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Conflicting laws repealed.

SEC. 10. That this act shall be in force and effect from and after ten days after its ratification.

Act effective ten days after ratification.

Ratified this the 10th day of February, A.D., 1931.

CHAPTER 38

AN ACT TO AMEND CHAPTER TWO HUNDRED SIXTY-SEVEN OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED TWENTY-ONE RELATING TO THE ENFORCEMENT OF THE PROHIBITION LAW IN RUTHERFORD COUNTY, ETC.

The General Assembly of North Carolina do enact:

SECTION 1. That section one, of chapter two hundred sixty-seven of the Public-Local Laws of nineteen hundred twenty-one be and the same is hereby repealed.

Ch. 267, Public-Local Laws 1921, amended, relating to prohibition in Rutherford County.

Law again amended.

SEC. 2. That section two, of said chapter two hundred sixty-seven Public-Local Laws of nineteen hundred twenty-one be and the same is hereby amended by striking out the period after the word "convicted" in line four and inserting in lieu thereof a comma, and adding thereto the following "but this tax or forfeiture is limited to the manufacture of spirituous liquors and shall not apply to vinous or malt liquors."

Tax and forfeiture.

Law again amended.

SEC. 3. That section three, chapter two hundred sixty-seven, of the Public-Local Laws of nineteen hundred twenty-one be and the same is hereby amended by striking out the word "transporting" at the end of line one and also the words "or having" at the beginning of line two of said section and before the word "spirituous" and by striking out the words "in his possession for sale" after the word "liquors," and before the word "the", line two section three, and by striking out the period after the word "convicted", line five section three, and inserting in lieu thereof a comma and by adding the following: "Provided such conviction is for a bona-fide sale."

Sale.

Law again amended.

SEC. 4. That section four, of said chapter two hundred sixty-seven of the Public-Local Laws of nineteen hundred twenty-one be amended by striking out the words "a fee of five dollars (\$5.00)" following the word "allowed" in line five of said section and inserting in lieu thereof the words "fifty per cent (50%) of the fees authorized by Sections two and three of said Act."

Fees allowable.

SEC. 5. That this amendment shall be in force from and after its ratification.

Ratified this the 11th day of February, A. D. 1931.

CHAPTER 39

AN ACT TO AMEND CHAPTER EIGHTY-FOUR, PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-FIVE, AND FIX THE SALARIES OF THE CLERK OF THE SUPERIOR COURT, DEPUTY CLERK OF THE SUPERIOR COURT, REGISTER OF DEEDS AND DEPUTY REGISTER OF DEEDS FOR UNION COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Ch. 84, Public-Local Laws 1925, amended, relating to salaries in Union County.

SECTION 1. That section four, chapter eighty-four, Public-Local Laws of one thousand nine hundred twenty-five, be and the same is hereby amended by striking out after the word "of" in line two of said section the words "two thousand seven hundred and fifty" in line three and inserting in lieu thereof the words "two thousand five hundred".

Clerk Superior Court, \$2,500.

SEC. 2. That section four, chapter eighty-four, Public-Local Laws of one thousand nine hundred and twenty-five, be and the

same is hereby amended by striking out after the word "of" in line six the words "one thousand three hundred and fifty" and inserting in lieu thereof the words "one thousand two hundred".

SEC. 3. That section five, of chapter eighty-four, Public-Local Laws of one thousand nine hundred and twenty-five, be and the same is hereby amended by striking out between the words "of" in line two and "Dollars" in line three the words "two thousand seven hundred and fifty", and inserting in lieu thereof the words "eighteen hundred".

SEC. 4. That section five, chapter eighty-four, Public-Local Laws of one thousand nine hundred and twenty-five, be and the same is hereby amended by striking out between the word "of" in line five and "dollars" in line six the words "one thousand two hundred" and inserting in lieu thereof the words "nine hundred".

SEC. 5. That the Board of County Commissioners shall have no authority to grant any additional allowances for any clerical assistance to the Register of Deeds.

SEC. 6. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 7. That this act shall be in full force and effect from and after the first day of April, one thousand nine hundred and thirty-one.

Ratified this the 11th day of February, A. D. 1931.

Deputy Clerk,
\$1,200.

Register of
Deeds, \$1,800.

Deputy Register,
\$900.
No other allow-
ances for clerks
to Register.

Conflicting laws
repealed.

Act effective
April 1, 1931.

CHAPTER 40

AN ACT TO AMEND CHAPTER SEVENTY-FOUR, PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND ELEVEN, CHAPTER ONE HUNDRED AND TWELVE, PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTEEN, CHAPTER ONE HUNDRED, PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY, AND CHAPTER TWO HUNDRED AND EIGHTY-SEVEN, PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-NINE, RELATING TO THE RECORDER'S COURT IN THE CITY OF WASHINGTON.

The General Assembly of North Carolina do enact:

SECTION 1. That section seven, chapter seventy-four, Public-Local Laws of one thousand nine hundred and eleven, be and the same hereby is amended by striking out the word "recorder" in the first line of subsection (e) and inserting in lieu thereof the word "clerk", the purpose and intent of this amendment being that warrants shall be issued by the clerk of said court instead of by the recorder.

Ch. 74, Public-
Local Laws 1911,
amended, relating
to Recorder's
Court of Wash-
ington and Beau-
fort County.

Warrants to be
issued by Clerk.

Ch. 112, Public-Local Laws 1912, and Ch. 199, Public-Local Laws co-1929, amended.

SEC. 2. That section two, chapter one hundred and twelve, Public-Local Laws of one thousand nine hundred and thirteen, as amended by section two, chapter one hundred, Public-Local Laws of one thousand nine hundred and twenty, be and the same hereby is amended by striking out the word "fifty" in line four and inserting in lieu thereof the word "sixty".

Ch. 187, Public-Local Laws 1929, amended.

SEC. 3. That section one, chapter two hundred and eighty-seven, Public-Local Laws of one thousand nine hundred and twenty-nine, relating to payment of fees to the prosecuting attorney in said Recorder's Court be and it hereby is amended to read as follows:

Appointment of prosecuting attorney.

SECTION 1. That chapter seventy-four of Public-Local Laws of one thousand nine hundred and eleven and acts amendatory thereof and supplementary thereto, be and the same is hereby amended by adding thereto the following: The Board of Commissioners of Beaufort County are hereby authorized and empowered in their discretion to appoint a prosecuting attorney to prosecute in said Court and who shall appear for the State in all cases in said Court. Said attorney shall receive for his services a fee of two dollars for each and every case in said Court in which one or more defendants are convicted or submit, to be taxed as part of the costs, and the same fee of two dollars shall be allowed for each and every defendant who submits or is convicted, provided no compensation in such cases will be paid to said attorney unless the costs are taxed against and collected from the defendant or defendants. In all cases appealed to the Superior Court, or bound over to that Court, in which defendants are convicted or submit, there shall be included and taxed the costs incurred in the Recorder's Court, including a fee of two dollars to said prosecuting attorney.

Fee of \$2 in convictions and submissions.

Fees taxable in bill of costs.

Fees applicable in appeals and cases bound over.

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict herewith are hereby repealed, whether special or general.

SEC. 5. This act shall be in force from and after its ratification.

Ratified this the 11th day of February, A. D. 1931.

CHAPTER 41

AN ACT TO ALLOW THE COUNTY COMMISSIONERS OF MACON COUNTY TO AID IN REOPENING THE BANK OF FRANKLIN.

The General Assembly of North Carolina do enact:

Macon County Commissioners authorized to freeze deposits in Bank of Franklin to aid in its reopening.

SECTION 1. That the Board of County Commissioners and the Board of Education of Macon County be, and they are hereby fully authorized and empowered to make and enter into a contract with the Bank of Franklin, its directors and stock-

holders, to freeze or not demand the public funds or school funds of Macon County now on deposit in said bank for a like period of time and under the same conditions that other depositors may agree to, which depositors' agreement shall be approved by the Corporation Commission of North Carolina.

SEC. 2. That nothing in this act shall in any way impair any bonds, collateral papers, notes or other securities held by Macon County or any officer thereof or other person for said county to secure the deposits of said county in said bank.

Collateral for deposits not impaired.

SEC. 3. That the County Commissioners of Macon County be, and they are hereby authorized and empowered to collect all notes or other securities held by them or any person for them for the purpose of securing the deposits of said county in said bank and apply the proceeds derived from the collection in repayment to said county of the amount due it on the deposits of said county in said bank up to the full amount for which said security was put up to secure, and no further.

Collateral securities to be collected and applied.

SEC. 4. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Conflicting laws repealed.

SEC. 5. That this act shall be in full force and effect from and after its ratification.

Ratified this the 11th day of February, A. D. 1931.

CHAPTER 42

AN ACT TO MAKE IT UNLAWFUL TO OPERATE A FILLING STATION, STORE, SHOP OR PLACE OF AMUSEMENT WITHIN THREE MILES OF CHARITY METHODIST CHURCH IN DUPLIN COUNTY ON SUNDAY BETWEEN THE HOURS OF NINE-THIRTY A. M. AND TWELVE-THIRTY P. M.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person, firm or corporation to operate any filling station, store, shop or place of amusement on the Lord's day, commonly called Sunday, between the hours of nine-thirty A. M. and twelve-thirty P. M. within a radius of three miles of Charity Methodist Church (Episcopal), in Island Creek Township, Duplin County.

Sunday closing hours within 3-mile radius of Charity Methodist Church, Duplin County.

SEC. 2. That the operation of any filling station, store, shop or place of amusement during the hours herein mentioned in violation of this act, shall constitute a misdemeanor and each and every act shall constitute a new and separate offense.

Violation made misdemeanor.

Punishment.

SEC. 3. That any person, firm or corporation violating the provisions of this act shall upon conviction thereof be fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

Act effective
April 1, 1931.

SEC. 4. That this act shall be in force from and after the first day of April, nineteen hundred and thirty-one.

Ratified this the 11th day of February, A. D. 1931.

CHAPTER 43

AN ACT TO AMEND SECTION FIVE OF CHAPTER FOUR HUNDRED AND EIGHTY-NINE OF PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-NINE, RELATIVE TO THE REAL ESTATE COMMISSION BY STRIKING OUT WILSON AND NEW HANOVER COUNTIES FROM THE PROVISIONS THEREOF.

The General Assembly of North Carolina do enact:

Ch. 489, Public-Local Laws 1929, amended, excepting Wilson and New Hanover Counties from Real Estate Commission Act.

SECTION 1. That section five of chapter four hundred eighty-nine of Public-Local Laws of one thousand nine hundred and twenty-nine be amended by striking out the words "Wilson" and "New Hanover" in the fourth line of said section.

SEC. 2. This act shall be in force from and after its ratification.

Ratified this the 11th day of February, A. D. 1931.

CHAPTER 44

AN ACT TO VALIDATE THE OFFICIAL ACTS OF J. W. JACKSON, A NOTARY PUBLIC OF PERQUIMANS COUNTY.

Preamble.

Whereas, J. W. Jackson, a Notary Public of Perquimans County, continued to perform the acts of his office without having requalified after the expiration of the term for which he had been appointed; *now, therefore,*

The General Assembly of North Carolina do enact:

Official acts of J. W. Jackson, Perquimans County Notary, validated.

SECTION 1. That each and all of the official acts of the said J. W. Jackson, a Notary Public, of Perquimans County, done and had by him after September 18th and before December 29th, one thousand nine hundred and thirty, be and the same are hereby in all respects validated.

SEC. 2. That this act shall be in full force and effect from and after its ratification.

Ratified this the 12th day of February, A. D. 1931.

CHAPTER 45

AN ACT TO AMEND CHAPTER FOUR HUNDRED AND EIGHTY-NINE, PUBLIC-LOCAL LAWS, ONE THOUSAND NINE HUNDRED AND TWENTY-NINE, AMENDING CHAPTER TWO HUNDRED AND FORTY-ONE, PUBLIC-LOCAL LAWS, ONE THOUSAND NINE HUNDRED AND TWENTY-SEVEN, RELATING TO THE REAL ESTATE COMMISSION.

The General Assembly of North Carolina do enact:

SECTION 1. That section five of chapter four hundred and eighty-nine of the Public-Local Laws of one thousand nine hundred and twenty-nine, amending chapter two hundred and forty-one of the Public-Local Laws of one thousand nine hundred and twenty-seven, be and the same is hereby amended by striking out the word "Mecklenburg" in line four of said section, it being the purpose of this act to exempt Mecklenburg County from the provisions of said acts.

Ch. 489, Public-Local Laws 1929, amended, excepting Mecklenburg County from Real Estate Commission Act.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this act shall be in full force and effect from and after its ratification.

Ratified this the 12th day of February, A. D. 1931.

CHAPTER 46

AN ACT TO AUTHORIZE THE ISSUE OF WARRANTS BY CERTAIN OFFICERS IN DARE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the Clerk of the Recorder's Court of Dare County is hereby empowered and authorized to appoint one or more deputy clerks in each township in said county to issue warrants and processes for the apprehension of persons charged with any offense, which warrants shall be made returnable before the Judge of the Recorder's Court in Dare County, or Justice of the Peace in the township of issue; and shall be authorized to fix and accept security or bond for the appearance of any and all defendants, except in capital offenses, before the Recorder's Court of said county or Justice of the Peace.

Appointment of warrant officers in Dare County by Clerk Recorder's Court.

Arrest.

Appearance bond.

SEC. 2. That all laws and clauses of laws in conflict with this act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 12th day of February, A. D. 1931.

CHAPTER 47

AN ACT TO REPEAL CHAPTER THREE HUNDRED AND TWENTY-ONE OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-SEVEN RELATING TO A BUDGET SYSTEM.

The General Assembly of North Carolina do enact:

Ch. 321 (621),
Public-Local Laws
1927, repealed,
relation to Madison
County budget
system.

SECTION 1. That chapter three hundred and twenty-one of the Public-Local Laws of nineteen hundred and twenty-seven, relating to a budget system, is hereby repealed.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 12th day of February, A. D. 1931.

CHAPTER 48

AN ACT TO PLACE THE REGISTER OF DEEDS, CLERK OF THE SUPERIOR COURT AND SHERIFF OF MADISON COUNTY ON FEES.

The General Assembly of North Carolina do enact:

Madison County
Register of Deeds
placed on fee
system instead of
salary.

SECTION 1. That the Register of Deeds of Madison County, shall receive in lieu of his present salary of one thousand eight hundred dollars, the fees of his said office, as are now or hereafter may be prescribed by law, in full and complete compensation for his services as Register of Deeds.

Also Clerk
Superior Court.

SEC. 2. That the Clerk of the Superior Court of Madison County, shall receive in lieu of his present salary of one thousand eight hundred dollars, the fees of his said office, as are now or hereafter may be prescribed by law, in full and complete compensation for his services as Clerk of the Superior Court; *Provided*, the Clerk of the Superior Court shall not receive or be entitled to a fee or fraction of any fee to be paid by or chargeable against Madison County.

Fees against
County excepted.

Also Sheriff.

SEC. 3. That the Sheriff of Madison County shall receive, in lieu of his present salary of one thousand eight hundred dollars, the fees of his said office as are now or hereafter may be prescribed by law, in full and complete compensation for his services as sheriff of Madison County. *Provided*, the Sheriff of Madison County shall from and after March first, nineteen hundred and thirty-one, receive full fees in each and every case wherein the County of Madison is liable.

Fees against
County included.

SEC. 4. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws
repealed.

SEC. 5. That this Act shall apply to Madison County only.

Applicable only
to Madison
County.

SEC. 6. That this Act shall be in force and effect from and after March first, nineteen hundred and thirty-one.

Act effective
March 1, 1931.

Ratified this 12th day of February, A. D. 1931.

CHAPTER 49

AN ACT TO REPEAL CHAPTER THREE HUNDRED AND SIXTY-THREE OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-SEVEN, RELATING TO THE PREPARATION OF THE TAX BOOKS.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter three hundred and sixty-three of the Public-Local Laws of nineteen hundred and twenty-seven is hereby repealed.

Ch. 363, Public-Local Laws 1927, repealed, relating to tax books in Madison County.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 12th day of February, A. D. 1931.

CHAPTER 50

AN ACT TO REQUIRE THE AUDITOR OR COUNTY ACCOUNTANT OF RUTHERFORD AND DAVIDSON COUNTIES TO ENTER DEEDS ON TAX ASSESSOR'S RECORD.

The General Assembly of North Carolina do enact:

SECTION 1. That from and after the first day of April, one thousand nine hundred and thirty-one, the Register of Deeds of Rutherford and Davidson Counties shall each day present to the Auditor or County Accountant of his County all deeds which have been filed in his office for registration during the previous twenty-four hours whereby the title to any land situated in said county, is conveyed in fee, and upon such presentation of any such deed it shall be the duty of the Auditor or County Accountant forthwith to enter such transfer of title upon a record to be kept by him showing the names of the owners of all real estate in said counties.

Record of all deeds registered in Rutherford and Davidson Counties to be kept on Tax Assessor's record.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Purpose.

Conflicting laws repealed.

SEC. 3. That this act shall be in full force and effect from and after the first day of April, one thousand nine hundred and thirty-one.

Act effective April 1, 1931.

Ratified this the 12th day of February, A. D. 1931.

CHAPTER 51

AN ACT TO ABOLISH THE COUNTY RECORDER'S COURT OF SWAIN COUNTY.

The General Assembly of North Carolina do enact:

Swain County Recorder's Court abolished.
Conflicting laws repealed.

Act effective February 1, 1931.

SECTION 1. That the County Recorder's Court of Swain County be and the same is hereby abolished.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 3. That this act shall be in force and effect from and after February first, one thousand nine hundred and thirty-one.

Ratified this the 14th day of February, A. D. 1931.

CHAPTER 52

AN ACT TO REPEAL CHAPTER ONE HUNDRED AND FOURTEEN OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED TWENTY-SEVEN RELATING TO SHIPPING VEAL CALVES.

The General Assembly of North Carolina do enact:

Ch. 114, Public-Local Laws 1927, repealed, relating to shipping veal calves in Madison County.

SECTION 1. That chapter one hundred and fourteen of the Public-Local Laws of nineteen hundred and twenty-seven relating to shipping veal calves is hereby repealed.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 14th day of February, A. D. 1931.

CHAPTER 53

AN ACT REQUIRING COUNTY OFFICIALS OF AVERY COUNTY TO PAY THE PREMIUMS ON SURETY BONDS GIVEN BY THEM.

The General Assembly of North Carolina do enact:

Avery County officials required to pay premiums on official bonds.

SECTION 1. That the county officials of Avery County who now or hereafter may be required to give bonds in a surety company shall pay the premiums on said bonds, and the commissioners of said county are hereby prohibited from paying any part of said premiums.

Violation of this provision made misdemeanor.
Conflicting laws repealed.

SEC. 2. That anyone violating the provisions of this act shall be fined or imprisoned in the discretion of the court.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 4. That this act shall be in force and effect from and after its ratification.

Ratified this the 14th day of February, A. D. 1931.

CHAPTER 54

AN ACT TO ENABLE THE COMMISSIONERS OF JACKSON COUNTY TO REGULATE THE RECORDER'S COURT OF THE COUNTY OR TO ABOLISH IT AT THEIR DISCRETION.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Commissioners for the County of Jackson, with reference to the Recorder's Court heretofore established therein, shall be, and they are hereby clothed and invested with the following powers and discretion:

(a) To remove at their discretion the Judge or Solicitor of said Recorder's Court in Jackson County.

(b) To fill all vacancies occurring by reason of the removal, resignation or death of the Judge or Solicitor of said Court.

(c) To determine and fix the salary of the Judge of said Court, and fix the fees of the Solicitor of said Court.

(d) To change, at any time, the salary and fees of the Judge and Solicitor of said Court.

(e) To abolish said Court at any time at their discretion.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 3. That this act shall be in full force and effect from and after its ratification.

Ratified this the 14th day of February, A. D. 1931.

Jackson County Commissioners to regulate Recorder's Court.

Removal of officials.

Filling vacancies.

Fixing salaries.

Changing salaries.

May abolish Court.
Conflicting laws repealed.

CHAPTER 55

AN ACT TO PROHIBIT PUBLIC DRUNKENNESS IN AVERY COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person to be drunk or disorderly in any public place or on any public road or street in Avery County, North Carolina. That any person convicted of the violation of this act shall be guilty of a misdemeanor, and, upon conviction, shall be fined not more than fifty dollars or imprisoned not exceeding thirty days, in the discretion of the court.

Public drunkenness prohibited in Avery County.

Punishment.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this act shall be in full force and effect from and after its ratification.

Ratified this the 14th day of February, A. D. 1931.

CHAPTER 56

AN ACT TO REPEAL CHAPTER FOUR HUNDRED AND FIFTY-EIGHT, PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-NINE, PROVIDING FOR THE WORKING OF PRISONERS OF AVERY COUNTY.

The General Assembly of North Carolina do enact:

Ch. 458, Public-Local Laws 1929, repealed, relating to working Avery County prisoners.

SECTION 1. That chapter four hundred and fifty-eight, Public-Local Laws of one thousand nine hundred and twenty-nine, providing for the working of prisoners of Avery County, be and the same is hereby repealed.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict herewith be and the same are hereby repealed.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 14th day of February, A. D. 1931.

CHAPTER 57

AN ACT TO REPEAL CHAPTER ONE HUNDRED NINETY-SIX, PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED TWENTY-ONE AND ALL AMENDMENTS THERETO PROVIDING FOR RURAL POLICEMEN FOR RUTHERFORD COUNTY.

The General Assembly of North Carolina do enact:

Ch. 196, Public-Local Laws 1921, repealed, relating to rural policemen in Rutherford County.

SECTION 1. That chapter one hundred and ninety-six of the Public-Local Laws of nineteen hundred twenty-one and all amendments thereto be and the same is hereby repealed.

SEC. 2. That this act be in force from and after its ratification.

Ratified this the 14th day of February, A. D. 1931.

CHAPTER 58

AN ACT TO AMEND CHAPTER TWO HUNDRED AND TWELVE, PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-NINE, CREATING THE OFFICE OF TAX COLLECTOR OF HAYWOOD COUNTY.

The General Assembly of North Carolina do enact:

Ch. 212, Public-Local Laws 1929, amended, providing for election of Tax Collector in Haywood County.

SECTION 1. That chapter two hundred and twelve, of the Public-Local Laws of one thousand nine hundred and twenty-nine, be amended by adding at the end of section two thereof the following: "Provided, that at the next general election to be

held in November, one thousand nine hundred and thirty-two, and biennially thereafter, the said tax collector shall be elected by a vote of the duly qualified voters of Haywood County for a term of two years beginning the first Monday in May, one thousand nine hundred and thirty-three."

Biennial election.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this act shall be in force and effect from and after its ratification.

Ratified this the 14th day of February, A. D. 1931.

CHAPTER 59

AN ACT TO AUTHORIZE AND EMPOWER THE BOARD OF COMMISSIONERS OF NORTHAMPTON COUNTY TO REGULATE THE OPENING AND CLOSING OF FILLING STATIONS ON THE SABBATH DAY.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Commissioners of Northampton County is hereby authorized and empowered to make by-laws, rules and regulations relating to the opening and closing of filling stations within said county and outside of the incorporated towns in said county on the Lord's day, commonly known as Sunday; and may prohibit the opening of same altogether on said day, or prescribe certain hours in which they may remain open, and may enact any such other rules, regulations and by-laws for the enforcement of the provisions of this act.

Northampton County Commissioners to regulate Sunday closing hours of filling stations.

SEC. 2. That all laws and clauses of laws in conflict with this act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this act shall be in force and effect from and after its ratification.

Ratified this the 14th day of February, A. D. 1931.

CHAPTER 60

AN ACT TO ABOLISH THE OFFICE OF COUNTY TREASURER OF HOKE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That from and after the expiration of the term of office of the present incumbent, December 1, one thousand nine hundred and thirty-two, the office of county treasurer of Hoke County be and the same is hereby abolished.

Hoke County Treasurer's office abolished as of December 1, 1932.

Deposit of funds by other County officials.

General law applicable.

Duties of County accountant.

Conflicting laws repealed.

SEC. 2. That all county officials who are authorized to receive public money shall deposit such funds collected by them to the credit of the county in some bank or banks designated by the county commissioners in accordance with the provisions of section nineteen of chapter one hundred and forty-six of the Public Laws of one thousand nine hundred and twenty-seven and amendments thereto; *provided*, the county accountant shall be authorized and empowered to receive and/or collect any money for the county which no other officer is now authorized and empowered to receive and/or collect by law, and said county accountant shall deposit said money in accordance with the provisions of this section.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 4. That this act shall be in full force and effect from and after its ratification.

Ratified this the 14th day of February, A. D. 1931.

CHAPTER 61

AN ACT GOVERNING THE ELECTION OF THE COMMISSIONERS OF FRANKLIN COUNTY.

The General Assembly of North Carolina do enact:

Ch. 506, Public-Local Laws 1929, repealed.

SECTION 1. That chapter five hundred and six of the Public-Local Laws of nineteen hundred and twenty-nine, be and the same is hereby repealed.

SEC. 2. That whereas, for the purpose of having the County Commissioners of Franklin County a body representative for the entire County, the nomination and election of County Commissioners for said Franklin County shall be governed as follows:

Franklin County divided into five districts for election of Commissioners.

Districts.

SEC. 3. For effectuating the purpose of this act, the County of Franklin shall be divided into five districts, each of said districts to comprise two townships as follows: Harris and Dunn townships shall constitute district number one; Youngsville and Franklinton townships shall constitute district number two; Hayesville and Sandy Creek townships shall constitute district number three; Gold Mine and Cedar Rock townships shall constitute district number four, and Cypress Creek and Louisburg townships shall constitute district number five.

Nomination of district candidates.

SEC. 4. That in the general primary or primaries hereafter held, preceding the general election, one candidate from each of the five districts created by section three of this Act shall be nominated by the qualified voters of the County as a whole participating in the said general primary or primaries of each of the recognized political parties, and should there be more

than one candidate for such nomination of any of the said recognized political parties from any one of the aforesaid five districts, the candidate from said respective district, receiving the highest number of votes throughout the County in his respective district shall be declared the nominee of his party from such district for election in the general elections as now by law provided, *provided*, that should any party fail to nominate a candidate from each of the aforesaid districts as above provided, then the executive committee of such party shall name the nominee from said district and such nominee shall be voted on in the general election as the nominee of such party.

Provision in event no nomination in any district.

SEC. 5. That there shall be elected three county commissioners in nineteen hundred and thirty-two; one from district number one, one from district number two, and one from district number three as above set out; these commissioners to be elected to serve for a term of two years and thereafter said commissioners shall be elected to serve from said respective districts for a term of four years.

Three to be elected in 1932.

Term of office.

SEC. 6. That there shall be elected two county commissioners in the general election of nineteen hundred and thirty-two, one from district number four, and one from district number five; these two commissioners to be elected for a term of four years and new election shall be held every four years thereafter for said two commissioners, it being the purpose and intention of this act to have at least two old members on said board of commissioners of Franklin County at all times, by an alternation of the election of the aforesaid commissioners.

Two more to be elected in 1932.

Term of office.

SEC. 7. That all laws and clauses of laws in conflict with this act are hereby repealed.

Conflicting laws repealed.

SEC. 8. That this act shall be in full force and effect from and after its ratification.

Ratified this the 14th day of February, A. D. 1931.

CHAPTER 62

AN ACT RELATING TO THE ELECTION OF COUNTY COMMISSIONERS OF AVERY COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the terms of office of John F. Hampton and Smith Eggers, County Commissioners of Avery County, be and the same are hereby extended for a period of two years from the date of the expiration of their present terms, to-wit the first Monday in December, one thousand nine hundred and thirty-two, and at the election to be held in November, one thousand nine hundred and thirty-four, and each and every four years thereafter, their successors shall be elected for a term of four years.

Term of office of Avery County Commissioners extended two years.

Election of new Commissioners for terms of four years.

One to be elected every four years.

SEC. 2. That at the general election to be held in November one thousand nine hundred and thirty-two, and each and every four years thereafter, there shall be elected one commissioner for the County of Avery for a term of four years.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 4. That this act shall be in full force and effect from and after its ratification.

Ratified this the 14th day of February, A. D. 1931.

CHAPTER 63

AN ACT TO PREVENT LOSSES TO GENERAL MUNICIPAL TAXPAYERS IN CATAWBA COUNTY.

The General Assembly of North Carolina do enact:

Municipal street and sidewalk assessments validated in Catawba County.

SECTION 1. That all assessments heretofore levied on property for street and sidewalk improvements by the board of aldermen, city council or other governing body of any city, town or incorporated village, including all proceedings taken by such governing body prior to the assessments, are hereby legalized and validated.

Applicable only to Catawba County.

SEC. 2. That this act shall apply only to the cities, towns and incorporated villages located in Catawba County.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 14th day of February, A. D. 1931.

CHAPTER 64

AN ACT TO AMEND CHAPTER ONE HUNDRED AND THIRTY-TWO, OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-SEVEN, RELATING TO THE AUDITOR'S REPORT.

The General Assembly of North Carolina do enact:

Ch. 132, Public-Local Laws 1927, amended.

SECTION 1. That chapter one hundred and thirty-two of the Public-Local Laws of one thousand nine hundred and twenty-seven, be and the same is hereby amended by striking out the first eight sections, and inserting in lieu thereof the following sections:

Preparation by Madison County Auditor of monthly statement.

"SEC. 1. That the Auditor of Madison County shall make an itemized monthly statement of the financial condition of Madison County and each and every subdivision thereof, showing the total amount of receipts to the credit of each subdivision and total amount of disbursements, and furnish a carbon copy or mimeographed copy to any taxpayer applying for same, to be paid for at the rate of ten cents per copy sheet.

Copy to taxpayers requesting same.

SEC. 2. That the Auditor of Madison County shall upon written request properly signed by any taxpayer of said county, requesting any information about the financial condition of Madison County or any of its subdivisions or any of the funds of the county, its obligations or disposition of any fund, said Auditor shall within five days after receipt of such request furnish as shown by the public records, vouchers or minute dockets a statement showing the answer to any and all questions, *provided* the person applying for said information shall deposit with said Auditor, money at the rate of ten cents per copy sheet to pay for said statement.

Information of County affairs to be furnished on request.

SEC. 3. It is further provided that the Auditor of Madison County shall prepare for publication and furnish to the business manager of some newspaper published in Madison County, as hereinafter set out, a statement showing the total receipts and disbursements of the county and each and every subdivision thereof and any amounts paid to the officials of Madison county in excess of their regular salary or commissions as provided by law.

Publication of statement.

SEC. 4. That the County Superintendent of Public Schools of Madison County is empowered and directed and shall designate monthly some newspaper published in Madison County, to publish the reports of the county, its subdivisions, and all legal advertisements of Madison County or any of its subdivisions of whatsoever nature or kind, including the Sheriff's office, Clerk of the Superior Court, Register of Deeds, Pension Board, Board of Education, County Commissioners, Election Board, County Attorney or Delinquent Tax Collector or any other person whose duty it is or may hereafter be to have published any article of any kind whatsoever for or in behalf of the County of Madison or any of its subdivisions or agents, and the county commissioners shall pay all bills for publishing reports as provided in this act when approved by the Auditor and County Superintendent of Public Schools.

Designation by School Superintendent of newspaper to publish reports of County. Also legal advertisements.

SEC. 5. The Auditor is empowered and directed to O. K. bills for printing or advertising by any newspaper or printing establishment designated by the County Superintendent of Schools as the official publication of Madison County at the rate of twenty-five cents per inch for one publication of small type and at the rate of twenty-two and a half cents for each edition where four editions are required.

Provision for paying expense of publication.

Maximum rate to be paid for printing.

SEC. 6. That if no newspaper in the County of Madison will do the work at the price herein set out in section two of this act, the Auditor shall hang a copy of the monthly report in the Clerk of the Court and Register of Deeds offices, and that at the end of the fiscal year the Auditor may have the audit of the county and its subdivision published as directed by the

Alternative publication.

Posting monthly reports.

County Superintendent of Schools for Madison County, but said audit shall not be published or reports displayed in the Clerk of the Court's Office and Register of Deeds, provided the monthly report as herein described in this act shall have been published in some newspaper in the county monthly."

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 3. That this act shall be in force and effect from and after its ratification.

Ratified this the 14th day of February, A. D. 1931.

CHAPTER 65

AN ACT TO REPEAL CHAPTER FIVE HUNDRED AND THIRTY-EIGHT, PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND FIFTEEN, RELATING TO THE COLLECTION OF TAXES IN ROBESON AND OTHER COUNTIES, IN SO FAR AS THE SAME APPLIES TO BLADEN COUNTY.

The General Assembly of North Carolina do enact:

Ch. 538, Public-Local Laws 1915, amended, as to collection of taxes in Bladen County.

SECTION 1. That chapter five hundred and thirty-eight Public-Local Laws of one thousand nine hundred and fifteen, be and the same is hereby amended by striking out the words "Bladen County" in section two of said act.

SEC. 2. That this act shall be in full force and effect from and after its ratification.

Ratified this the 14th day of February, A. D. 1931.

CHAPTER 66

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF TRANSYLVANIA COUNTY TO DISBURSE FUNDS DERIVED FROM A TAX LEVIED TO MAINTAIN THE GENERAL COUNTY COURT OF TRANSYLVANIA COUNTY.

The General Assembly of North Carolina do enact:

Transylvania County Court abolished.

SECTION 1. That the General County Court of Transylvania County has been duly abolished and the cost of maintaining same has thereby been removed.

Tax levy for upkeep of Court.

SEC. 2. That certain tax levy was duly made prior to the abolishment of said court for the maintenance of said court and certain moneys hereby collected by the tax collector of Transylvania County under said levy.

Application of funds from such levy to other county purposes.

SEC. 3. That the said County Commissioners of Transylvania County are hereby authorized and empowered to apply any and all such moneys as are now or may be hereafter collected under

such levy for the maintenance of said County Court, to such other costs of government of said County, as to said Board of Commissioners may seem right and proper.

SEC. 4. That all laws and clauses of laws in conflict herewith are hereby repealed.

Conflicting laws
repealed.

SEC. 5. This act shall be in force from and after its ratification.

Ratified this the 14th day of February, A. D. 1931.

CHAPTER 67

AN ACT TO AMEND CHAPTER SEVENTY-SIX, PUBLIC-LOCAL LAWS OF NORTH CAROLINA, ONE THOUSAND NINE HUNDRED TWENTY-THREE, RELATIVE TO COMPULSORY SCHOOL ATTENDANCE OF CHEROKEE INDIANS.

The General Assembly of North Carolina do enact:

SECTION 1. That section one of chapter seventy-six, Public-Local Laws of North Carolina of one thousand nine hundred and twenty-three, be and the same is hereby amended by adding the words "Swain and Jackson" after the word "Graham" and before the word "counties" in line two thereof.

Ch. 76, Public-Local Laws 1923, amended, as to compulsory school attendance of Cherokee Indians in Swain and Jackson Counties.

SEC. 2. That this act shall be in force and effect from and after its ratification.

Ratified this the 14th day of February, A. D. 1931.

CHAPTER 68

AN ACT TO ABOLISH THE OFFICE OF TAX COLLECTOR OF ROBESON COUNTY, AND TO AMEND CHAPTER FIVE HUNDRED AND EIGHTY-EIGHT, PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-THREE; TO REPEAL CHAPTER THREE HUNDRED AND EIGHTY, PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-FIVE; AND CHAPTER FOUR HUNDRED AND SIXTY-FIVE, PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-SEVEN; AND CHAPTER FORTY-SEVEN, PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-NINE; AND TO AMEND CHAPTER THREE HUNDRED AND SIXTY, PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-NINE.

The General Assembly of North Carolina do enact:

SECTION 1. That section two, chapter five hundred and eighty-eight, Public-Local Laws of one thousand nine hundred

Ch. 588, Public-Local Laws 1923, amended.

and twenty-three, be and the same is hereby stricken out and the following substituted in lieu thereof:

No allowance to Robeson County Sheriff for clerk hire.

"SEC. 2. The County Commissioners of Robeson County shall not pay or allow to be paid to the Sheriff of Robeson County, nor to anyone for him, any money to be used for clerk hire of any kind in his office. But the said sheriff shall perform all the duties of his office and shall pay for any assistance he may need out of his salary, as provided for in this act."

Ch. 380, Public-Local Laws 1925; Ch. 465, Public-Local Laws 1927; and Ch. 47, Public-Local Laws 1929, repealed.

SEC. 2. That chapter three hundred and eighty, Public-Local Laws of one thousand nine hundred and twenty-five, be and the same is hereby repealed. That chapter four hundred and sixty-five of the Public-Local Laws of one thousand nine hundred and twenty-seven, be and the same is hereby repealed. That chapter forty-seven of the Public-Local Laws of one thousand nine hundred and twenty-nine, be and the same is hereby repealed.

Ch. 360, Public-Local Laws 1929, amended, relative to computation of taxes.

SEC. 3. That chapter three hundred and sixty, Public-Local Laws of one thousand nine hundred and twenty-nine, be and the same is hereby amended by striking out entirely the last paragraph of section three, which reads as follows: "The said county manager shall also receive from the tax collector the taxes and see that the same are properly and legally divided among the different funds of the county and make the computation for the turn-over of said funds by the tax collector and the county treasurer of said county."

Salary of Sheriff fixed at \$3,600.

SEC. 4. That the salary of the sheriff of Robeson County shall be fixed at thirty-six hundred dollars (\$3,600.00) per annum, to be paid monthly out of the general fund of the county.

Tax Collector to continue in office till February 20, 1931.

SEC. 5. That the tax collector of Robeson County shall continue his duties in regard to the collection of taxes and under his bond until Friday, the twentieth day of February, one thousand nine hundred and thirty-one. Before the tax collector and his bondsmen are relieved of liability for the collection and settlement of taxes, there shall be had a settlement between the tax collector and the board of county commissioners of Robeson County; and when it appears unto the satisfaction of the board of commissioners that the tax collector has accounted for all taxes and receipts up to the time when his duties are turned over to the sheriff, then the tax collector and his bondsmen shall be notified of such action by having transferred to them a copy of the minutes, showing that they have been discharged from all liability.

Discharge of Tax Collector and bondsman.

Turning over of tax books to Sheriff.

SEC. 6. That before the county commissioners of Robeson County shall turn over to such sheriff the tax books the said sheriff shall execute a bond payable to the State of North Carolina with some surety company approved by the State of

Bond of Sheriff.

North Carolina to execute bonds in North Carolina as surety, the said bonds being conditioned upon the collection and settlement of all county and other local taxes according to law. This bond shall not exceed the amount of county and local taxes assessed for the previous year. The board of commissioners is hereby authorized to pay the premium on said bond out of the general fund of said county.

SEC. 7. That the said sheriff of Robeson County shall collect and settle for all taxes which he is authorized to collect, under the general laws of the State of North Carolina, and he is, in addition thereto, vested with all authority conferred upon the sheriff of the county in chapter two hundred and thirteen, Public Laws of one thousand nine hundred and twenty-seven, and amendments thereto; and the said sheriff shall see that all taxes collected are properly and legally divided among the different funds of the county and shall make the computations for the turn-over of said taxes which are collected to the proper funds of the county.

SEC. 8. That the sheriff shall have authority to call to his assistance in collecting taxes when needed the rural police of the county, who shall serve without additional pay.

SEC. 9. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 10. That this act shall be in full force and effect from and after fifteen days from date of ratification.

Ratified this the 14th day of February, A. D. 1931.

CHAPTER 69

AN ACT TO AMEND CHAPTER ONE HUNDRED AND FORTY-SEVEN, PUBLIC-LOCAL LAWS, ONE THOUSAND NINE HUNDRED AND TWENTY-FIVE, PROVIDING FOR BETTER LAW ENFORCEMENT IN CATAWBA COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section ten of chapter one hundred and forty-seven, Public-Local Laws, one thousand nine hundred and twenty-five, be and the same is hereby amended by striking out the words "the Superior Court of" in lines one and two of said section and inserting in lieu thereof the words "in any court in."

SEC. 2. That section ten of chapter one hundred and forty-seven, Public-Local Laws, one thousand nine hundred and twenty-five, be and the same is hereby further amended by adding at the end thereof the following: "Provided, the county shall not be required to pay any part of the sums above mentioned in the event the defendant fails to pay the costs taxed against him."

Payment of bond premium by County.

Sheriff vested with powers of tax collector.

Tax computations.

Rural police to assist Sheriff in collecting taxes.

Conflicting laws repealed.

Act effective 15 days from ratification.

Ch. 147, Public-Local Laws 1925, amended, relating to law enforcement in Catawba County.

Law again amended.

County not taxable with certain costs.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 4. That this act shall be in full force and effect from and after its ratification.

Ratified this the 16th day of February, A. D. 1931.

CHAPTER 70

AN ACT TO EXCEPT HENDERSON COUNTY FROM THE PROVISIONS OF CHAPTER TWO HUNDRED AND FORTY-ONE PUBLIC-LOCAL LAWS SESSION OF ONE THOUSAND NINE HUNDRED AND TWENTY-SEVEN RELATING TO REAL ESTATE BROKERS.

The General Assembly of North Carolina do enact:

Ch. 241, Public-Local Laws 1927, amended, excepting Henderson County from Real Estate Brokers Law.

SECTION 1. That article seventeen of chapter two hundred and forty-one of the Public-Local Laws of North Carolina, session one thousand nine hundred and twenty-seven, entitled, "an act to define, regulate, and license real estate brokers and real estate commission and to provide a penalty for a violation of the provisions hereof" be amended by striking out the word "Henderson" in line two of said section seventeen of said act so as to except Henderson County from the provisions of said chapter.

SEC. 2. That this act shall be in full force and effect from and after its ratification.

Ratified this the 16th day of February, A. D. 1931.

CHAPTER 71

AN ACT TO VALIDATE THE OFFICIAL ACTS OF N. J. MINTON, A JUSTICE OF THE PEACE OF HERTFORD COUNTY.

Preamble.

Whereas, N. J. Minton, a Justice of the Peace of Hertford County, continued to perform the acts of his office without having requalified after the expiration of the term for which he had been appointed; *now, therefore*,

The General Assembly of North Carolina do enact:

Official acts of N. J. Minton, Justice of the Peace of Hertford County, validated.

SECTION 1. That each and all of the official acts of the said N. J. Minton, a Justice of the Peace, done and had by him after April first, one thousand nine hundred and twenty-seven and before April first, one thousand nine hundred and thirty, including all judgments rendered, probates taken, marriages performed, and any and all other acts whatsoever, be and the same are hereby in all respects validated.

SEC. 2. That this act shall be in full force and effect from and after its ratification.

Ratified this the 16th day of February, A. D. 1931.

CHAPTER 72

AN ACT TO VALIDATE THE OFFICIAL ACTS OF JOHN C. BELL, A JUSTICE OF THE PEACE OF BERTIE COUNTY.

Whereas, John C. Bell, a Justice of the Peace of Bertie County, continued to perform the acts of his office without having requalified after the expiration of the term for which he had been appointed: now, therefore,

Preamble.

The General Assembly of North Carolina do enact:

SECTION 1. That each and all of the official acts of the said John C. Bell, a Justice of the Peace, done and had by him after April first, one thousand nine hundred and twenty-nine and before November seventeen, one thousand nine hundred and thirty, including all judgments rendered, probates taken, marriages performed, and any and all other acts whatsoever, be and the same are hereby in all respects validated.

Official acts of John C. Bell, Justice of the Peace of Bertie County, validated.

SEC. 2. That this act shall be in full force and effect from and after its ratification.

SEC. 3. Providing that this action shall not affect pending litigation.

Pending litigation unaffected.

Ratified this the 16th day of February, A. D. 1931.

CHAPTER 73

AN ACT REGULATING THE SALARIES OF THE CLERK OF THE SUPERIOR COURT AND REGISTER OF HYDE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section one of chapter three hundred sixty-eight of the Public-Local Laws of nineteen hundred and twenty-nine be, and the same is, hereby amended by striking out the last eight lines of the section and substituting therefor the following:

Ch. 368, Public-Local Laws 1929, amended.

"That the board of commissioners of Hyde County are authorized and directed to pay to the clerk of the Superior Court the sum of one hundred dollars for holding each term of court; to pay to the register of deeds not more than seven hundred dollars for preparing the county tax books, said allowance to be in addition to the compensation for the register fixed in section one chapter three hundred ninety-eight of the Public-Local Laws nineteen hundred and twenty-five."

Additional compensation of Hyde County Clerk Superior Court.
For Register of Deeds.

SEC. 2. All laws and clauses of laws in conflict with this act are hereby repealed.

Ch. 398, Public-Local Laws 1925, thus amended.
Conflicting laws repealed.

SEC. 3. This act shall take effect from and after its ratification.

Ratified this the 17th day of February, A. D. 1931.

CHAPTER 74

AN ACT IN RELATION TO THE SALARY OF THE
SHERIFF OF CAMDEN COUNTY.*The General Assembly of North Carolina do enact:*

Ch. 58, Public-
Local Laws 1929,
amended, making
Camden County
Sheriff's salary
effective July 1,
1931.

SECTION 1. That the salary provided for the sheriff of Camden County, in chapter fifty-eight, Public-Local Laws of one thousand nine hundred and twenty-nine, to-wit, two thousand four hundred be effective only from and after July first, one thousand nine hundred and thirty-one.

Collection of tax
commissions.

SEC. 2. That from and after July first, one thousand nine hundred and thirty-one, the sheriff of Camden county shall collect the commissions upon all collection of taxes, as defined in section eight thousand forty-two of the Consolidated Statutes of one thousand nine hundred and nineteen, keeping an account of the same and on the first Monday of each month, succeeding, he shall account for such commissions to the county fiscal agent, accompanying said account by a verified statement showing the amount of said commissions and the same, thus reported, shall be credited by the county fiscal agent to the general funds of the county.

Accounting to
Fiscal Agent.
Verified
statement.
Credited to
general funds.

SEC. 3. This act shall take effect from and after its ratification.

Ratified this the 18th day of February, A. D. 1931.

CHAPTER 75

AN ACT RELATING TO THE COMPENSATION OF THE
MEMBERS OF THE BOARD OF COUNTY COMMIS-
SIONERS OF NEW HANOVER COUNTY.*The General Assembly of North Carolina do enact:*

Compensation of
New Hanover
County Commis-
sioners \$40 per
month; chairman
excepted.

SECTION 1. That in lieu of all per diem or compensation heretofore provided for, each member of the board of county commissioners of New Hanover, except the chairman, whose compensation shall be fixed by said board, shall receive for his services and expenses in attending the meetings of the board and performing the other duties of his office the sum of forty dollars (\$40.00) per month.

Conflicting laws
repealed.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Effective April 1,
1931.

SEC. 3. That this act shall be in full force and effect from and after April first, one thousand nine hundred and thirty-one.

Ratified this the 18th day of February, A. D. 1931.

CHAPTER 76

AN ACT TO AMEND CHAPTER FOUR HUNDRED AND THIRTY-THREE, PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-SEVEN, RELATING TO JOHNSTON COUNTY HIGHWAY COMMISSION.

The General Assembly of North Carolina do enact:

SECTION 1. That section four of chapter four hundred thirty-three, Public-Local Laws of one thousand nine hundred twenty-seven, be, and the same is hereby, amended by adding a sentence at the end thereof as follows:

"The terms of office of the members of said county highway commission elected under the provisions of this section, including those elected at the general election of one thousand nine hundred thirty, shall begin on the first Monday in December immediately following their election, or as soon thereafter as said members so elected shall appear before the clerk of the Superior Court of Johnston County and qualify by taking and subscribing the general oath of office required of public officers, and the terms of office of all persons heretofore chosen or elected as members of said county highway commission prior to the general election of one thousand nine hundred thirty are hereby declared to be at an end."

SEC. 2. This act shall be in force and effect from and after its ratification.

Ratified this the 19th day of February, A. D. 1931.

CHAPTER 77

AN ACT TO REGULATE CERTAIN DUTIES OF PLUMBING INSPECTOR.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person, firm or corporation to employ or contract with any person, firm or corporation to do any plumbing or steam-fitting work, unless the said person, firm or corporation doing plumbing or steam-fitting have paid the state, county and city license for such work for the current year.

SEC. 2. That no plumbing inspector shall issue a permit to any person, firm or corporation to do any plumbing or steam-fitting unless such person, firm or corporation shall have paid the state, county and city license, for doing plumbing or steam-fitting, and the receipts of same being exhibited to said inspector.

Ch. 433, Public-Local Laws 1927, amended.

Terms of office of Johnston County Highway Commissioners.

Terms of those heretofore elected declared terminated.

Employment of plumber or steam-fitter who has not paid tax prohibited in New Hanover County.

Issuance of permit by plumbing inspector likewise prohibited.

Punishment for violation.

SEC. 3. That any person, firm or corporation violating any section of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not more than fifty dollars (\$50.00) or imprisoned not more than thirty (30) days.

Constitutional parts of act upheld.

SEC. 4. That if any provision of this act should be declared unconstitutional, such declaration shall not in any way affect the remaining provisions of this act.

Applicable only to New Hanover County.

SEC. 5. That this act shall apply to New Hanover County only.

Conflicting laws repealed.

SEC. 6. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 7. That this act shall be in force and effect from and after its ratification.

Ratified this 19th day of February, A. D. 1931.

CHAPTER 78

AN ACT TO PROVIDE FOR THE APPOINTMENT OF THE SCHOOL COMMITTEE OF THE GARNER HIGH SCHOOL AND MT. AUBURN ELEMENTARY SCHOOL LOCATED IN GARNER-MT. AUBURN SCHOOL DISTRICT.

The General Assembly of North Carolina do enact:

Garner-Mt. Auburn School Committeemen increased to seven.

SECTION 1. That from and after the ratification of this act the school committee of the Garner High School and Mt. Auburn Elementary School located in Garner-Mt. Auburn school district, St. Mary's Township, Wake County, shall consist of seven members, whose names and terms of office shall be as follows: S. T. Mitchiner and N. L. Broughton, whose terms shall expire on the first day of April, one thousand nine hundred and thirty-three; Exum Sturdivant, L. C. Whitaker and C. L. Wrenn, whose terms of office shall expire on the first day of April, one thousand nine hundred and thirty-four; C. N. Allen and B. R. Buffaloe, whose terms of office shall expire on the first day of April, one thousand nine hundred and thirty-five. At the expiration of the terms of office of the above-named committeemen their successors shall be appointed by the county board of education of Wake County as now provided by law.

Terms of office. Names of Committeemen.

Appointment by Wake County Board of Education.

Conflicting rules and laws repealed.

SEC. 2. That all laws and clauses of laws and all rules and regulations now in effect relative to the appointment of committeemen for the said school district in conflict with the provisions of this act are hereby repealed.

SEC. 3. That this act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of February, A. D. 1931.

CHAPTER 79

AN ACT TO PERMIT THE COUNTY BOARD OF EDUCATION OF GUILFORD COUNTY TO DEED CERTAIN PROPERTY TO THE BOARD OF COUNTY COMMISSIONERS OF GUILFORD COUNTY.

Whereas, the board of county commissioners of Guilford county through its road force has improved the yards of a number of the public schools of Guilford County, and

Whereas, the two pieces of public school property known as Sandy Ridge and Elm Grove have been abandoned by the county board of education in its program of consolidation, *now, therefore*,

The General Assembly of North Carolina do enact:

SECTION 1. That permission is hereby granted to the county board of education of Guilford County to execute deeds for the old Sandy Ridge school property and the Elm Grove school property to the board of county commissioners of Guilford County without advertising same for sale at public auction.

SEC. 2. All laws or parts of laws in conflict with this act are hereby repealed.

SEC. 3. This act shall be in force and effect from and after its ratification.

Ratified this the 19th day of February, A. D. 1931.

Preamble, abandonment of Sandy Ridge and Elm Grove school property in Guilford County.

Deeding of property to County Commissioners authorized.

Conflicting laws repealed.

CHAPTER 80

AN ACT TO AMEND CHAPTER EIGHTY-FOUR OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-FIVE, FIXING THE SALARY OF THE SHERIFF AND PROVIDING FOR THE APPOINTMENT OF TAX COLLECTOR AND TAX SUPERVISOR FOR UNION COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter eighty-four of the Public-Local Laws of one thousand nine hundred and twenty-five, be and the same is hereby amended by striking out all of section two and substituting in lieu thereof the following:

"SEC. 2. That the sheriff of Union County shall receive in lieu of all other compensation a salary at the rate of three thousand (\$3,000.00) dollars per annum, payable in equal monthly installments out of the general fund of the county. He shall be allowed to appoint one deputy who shall receive a salary at the rate of one thousand eight hundred (\$1,800.00) dollars per annum, payable in equal monthly installments out of the general fund of the county, said deputy to serve at the will of

Ch. 84, Public-Local Laws 1925, amended.

Salary of Union County Sheriff, \$3,000.

Allowed one deputy at salary of \$1,800.

Expenses provided.

Office clerk allowed at salary of \$100 per month.

Sheriff to collect 1930 taxes.

Law again amended.

Appointment of Tax Collector authorized.

Powers and duties.

Salary, \$2,000.

To act as Tax Supervisor.

Assumption of duties.

Removal.

Allowed one deputy at salary of \$1,000.

Appointment of purchasing agent authorized at salary of \$1,000.

Duties.

Conflicting laws repealed.

the sheriff or until his successor is appointed. The board of county commissioners may in its discretion allow such amount as it may deem necessary for the expenses of the sheriff and such deputy as provided above herein and for maintaining the office of the sheriff. That the sheriff may hire an office clerk to collect the balance of the one thousand nine hundred and thirty taxes at a salary not to exceed one hundred dollars (\$100.00) per month. The sheriff of Union County shall hereby be relieved of all duties and powers relating to the collection of taxes after he has settled for the nineteen hundred and thirty taxes."

SEC. 2. That section three of chapter eighty-four, Public-Local Laws of one thousand nine hundred and twenty-five, be and the same is hereby amended by striking out the word "deputies" in line one and inserting in lieu thereof the word "deputy".

SEC. 3. That the board of county commissioners of Union County shall appoint some person as tax collector for the County upon whom shall be imposed and conferred all duties and powers provided by law and relating to the collection of taxes. The tax collector shall be paid a salary not to exceed the rate of two thousand (\$2,000.00) dollars per annum, payable in equal monthly installments out of the general fund of the County. The tax collector shall also be the tax supervisor of the County and shall list all property for taxes in Monroe township and supervise and make out the tax books of the County, and shall assume his duties as tax supervisor on the first day of April, one thousand nine hundred and thirty-one. As tax collector, he shall assume his duties on the first Monday of October, one thousand nine hundred and thirty-one, and shall collect the taxes of the County for the levy of each year thereafter, and is subject to removal by the county commissioners for inefficiency or neglect to perform his duties as tax collector.

SEC. 4. That the tax collector shall appoint one deputy who shall be paid a salary not to exceed one thousand (\$1,000.00) dollars per annum, payable in equal monthly installments out of the general fund of the County. The county commissioners shall appoint at a salary not to exceed one thousand (\$1,000.00) dollars per annum, payable monthly, a purchasing agent of the County, who shall purchase all supplies, materials and equipment for the county home, the county roads, the office of the county and for the schools of the county.

SEC. 5. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 6. That this act shall be in full force and effect from and after its ratification.

Ratified this the 20th day of February, A. D. 1931.

CHAPTER 81

AN ACT TO AUTHORIZE THE COMMISSIONERS OF CHATHAM COUNTY TO APPOINT A TAX COLLECTOR FOR SAID COUNTY, AND TO PROVIDE COMPENSATION FOR THE TAX COLLECTOR OF SAID COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. The Commissioners of Chatham County are hereby authorized and empowered to appoint a Tax Collector for said County, whose term of office shall begin on the first Monday in December following the General Election of officers for the County, and be for two years, and until his successor has been appointed and qualified; and the appointment shall be made biennially on the first Monday in December or as soon thereafter as may be practicable; *provided, however*, that the said Commissioners may appoint the first Tax Collector hereunder at any time prior to the first Monday in December, one thousand nine hundred and thirty-one, who shall hold his office for the remainder of the two-year period as above defined, and until his successor is appointed and qualified; *provided, further*, that nothing in this act shall in any manner abridge the powers, duties and liabilities of the present Tax Collector or the Sheriff as to the taxes and tax lists in their hands for collection.

Appointment of Tax Collector for Chatham County authorized.

Term of office.

Time of appointment.

Present tax lists unaffected.

SEC. 2. That the salary of the Tax Collector appointed hereunder is hereby fixed at TWO THOUSAND DOLLARS per year, which sum shall be deducted from the amount allowed the Sheriff of said County for collecting the taxes; *provided, however*, that the said Commissioners may allow in their discretion the Tax Collector an additional sum, whenever it may appear necessary, with which to pay for clerical help and assistance in carrying on the business of his office.

Salary, \$2,000, deducted from Sheriff's allowance.

Clerical help provided.

SEC. 3. The Tax Collector, before entering upon the discharge of his office shall take and subscribe an oath, as is taken by officers of the County, and to truly and faithfully and impartially discharge the duties of Tax Collector to the best of his skill and ability; and shall give the bonds now by law required of the Sheriff as Collector of Taxes. Upon his appointment all of the powers, and duties, and liabilities now pertaining to the Sheriff of the County as Tax Collector regarding the collection, custody, and disposition of the taxes, turning over and accounting for the same, distraint, advertisement, sale, and in all other respects pertaining to said matters which are now given or shall hereafter be given, designated or required of Sheriffs in the performance of similar duties shall be conveyed upon, given to, and required of said Tax Collector. He

Oath of office.

Bond.

Powers and duties.

- Reports. shall make the reports now required of the Sheriff as Tax Collector, and be subject to the same rules and regulations.
- Conflicting laws repealed. SEC. 4. All laws in conflict herewith are hereby repealed.
- SEC. 5. This act shall be in full force from and after its ratification.
- Ratified this the 20th day of February, A. D. 1931.

CHAPTER 82

AN ACT TO REPEAL CHAPTER FOUR HUNDRED SEVENTY-SEVEN OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED TWENTY-FIVE, DESIGNATED AS "AN ACT TO CREATE AN AUDITOR FOR UNION COUNTY", AND TO PROVIDE FOR APPOINTMENT OF A COUNTY ACCOUNTANT.

The General Assembly of North Carolina do enact:

- Ch. 477, Public-Local Laws 1925, repealed, abolishing Union County Auditor.
- Appointment of County Accountant authorized.
- Duties.
- Term of office.
- Robert S. Houston appointed.
- Salary, \$1,800.
- Conflicting laws repealed.
- SECTION 1. That Chapter four hundred seventy-seven of the Public-Local Laws of one thousand nine hundred twenty-five, entitled "An Act to Create an Auditor for Union County" be and the same is hereby repealed.
- SEC. 2. That the board of county commissioners of Union County shall appoint some person as county accountant in accordance with the requirements of Section three of Chapter one hundred forty-six, Public Laws of one thousand nine hundred twenty-seven, and any amendments which may be hereafter made thereto, and said county accountant shall perform such duties as are imposed upon that office by said act or by such other subsequent general acts prescribing duties and powers of the county accountant. The county accountant shall be appointed for a term of two years to hold such office at the will of the board or until his successor is appointed and qualified: *Provided, however,* that the board shall appoint Robert S. Houston as county accountant after July first, one thousand nine hundred and thirty-one in accordance with the terms as herein above provided.
- SEC. 3. That the salary of the county accountant shall be not less than one thousand eight hundred (\$1,800) dollars per annum, payable in equal monthly installments out of the general fund of the county.
- SEC. 4. That all laws and clauses of laws in conflict with the provisions of this act shall be and the same are hereby repealed.
- SEC. 5. That the provisions of this act shall be in force and effect from and after the first day of July, one thousand nine hundred and thirty-one.
- Ratified this the 20th day of February, A. D. 1931.

CHAPTER 83

AN ACT TO AMEND CHAPTER ONE HUNDRED AND TWENTY, PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-NINE, RELATIVE TO THE TIME OF HOLDING MEETINGS OF THE BOARD OF COMMISSIONERS OF NEW HANOVER COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That Section one of Chapter one hundred and twenty, Public-Local Laws of one thousand nine hundred and twenty-nine, be and the same is hereby amended by striking out all of lines four and five in said section and inserting in lieu thereof the following: "and on each Monday of each week thereafter during said month".

Ch. 120, Public-Local Laws 1929, amended, relating to meetings of New Hanover County Commissioners.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this act shall be in full force and effect from and after its ratification.

Ratified this the 20th day of February, A. D. 1931.

CHAPTER 84

AN ACT TO ABOLISH THE HIGHWAY COMMISSION OF PASQUOTANK COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That except as hereinafter limited, chapter one hundred and twenty-six, Public-Local Laws, one thousand nine hundred and fifteen, and all acts supplementary thereto or amendatory thereof are hereby repealed and the Pasquotank County Highway Commission be and the same is hereby abolished.

Ch. 126, Public-Local Laws 1915, repealed, abolishing Pasquotank County Highway Commission.

SEC. 2. That the powers and duties and authority contained in the laws set forth in section one hereof and conferred upon said Pasquotank County Highway Commission or any agency thereof be and they are hereby conferred upon the Board of County Commissioners of Pasquotank County in so far as they may be necessary to the proper upkeep, maintenance and construction of the county roads and bridges of said county.

Powers and duties devolve upon County Commissioners.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Conflicting laws repealed.

SEC. 4. That this act shall be in full force and effect from and after its ratification.

Ratified this the 20th day of February, A. D. 1931.

CHAPTER 85

AN ACT TO REQUIRE THE SHERIFF OF CUMBERLAND COUNTY AND THE TAX COLLECTORS OF ALL MUNICIPALITIES IN SAID COUNTY TO ACCEPT PARTIAL PAYMENTS ON TAXES.

The General Assembly of North Carolina do enact:

Partial payments on taxes authorized in Cumberland County.

SECTION 1. That the sheriff of Cumberland County and the tax collectors of each and every municipality in said county be and they are hereby authorized, directed and required to accept partial payments on taxes which may be paid from time to time by the taxpayers on taxes due said county or municipality; *provided, however,* that such partial payment shall be not less than twenty-five per cent of the original tax due.

Installments of not less than 25% each.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 3. That this act shall be in full force and effect from and after its ratification.

Ratified this the 21st day of February, A. D. 1931.

CHAPTER 86

AN ACT TO PLACE THE OFFICERS OF MECKLENBURG COUNTY ON SALARIES.

The General Assembly of North Carolina do enact:

Mecklenburg County officers placed on salary basis.

SECTION 1. That on and after the first Monday of December, 1931, the Sheriff, Register of Deeds, Clerk of the Superior Court, and the Treasurer of Mecklenburg County be and they are hereby placed on salaries to be paid from the general county fund as follows:

The Sheriff shall receive the sum of:

Sheriff, \$4,200.

FOUR THOUSAND AND TWO HUNDRED DOLLARS (\$4,200.00) per annum.

The Register of Deeds shall receive the sum of:

Register of Deeds, \$4,200.

FOUR THOUSAND AND TWO HUNDRED DOLLARS (\$4,200.00) per annum.

The Clerk of the Superior Court shall receive the sum of:

Clerk of Court, \$4,800.

FOUR THOUSAND AND EIGHT HUNDRED DOLLARS (\$4,800.00) per annum.

The Treasurer shall receive the sum of:

Treasurer, \$3,600.

THREE THOUSAND AND SIX HUNDRED DOLLARS (\$3,600.00) per annum.

All of said salaries shall be paid in equal monthly installments.

Necessary expenses allowed, subject to ap-

SEC. 2. That all expenses incident to the above offices including the hire and pay of deputies, supplies for the several offices,

premiums on bonds, and necessary traveling expenses, shall be paid out of the general county fund, when approved by the County Commissioners.

SEC. 3. That the compensation paid to said officers as provided in Section one shall be in lieu of all other compensation including fees and commissions of every kind collected, and every other emolument of said offices that the said officers shall collect. All fees and commissions which are now and may be in effect hereafter provided by law, shall be and belong to the county of Mecklenburg, and shall be accounted for daily by the said officers collecting same and at the close of business of each day or the following day shall be turned over to the Treasurer of the county with a memorandum of the amount and the source from which said fees are collected, and that the fees and commissions which are now charged by law for the registration of deeds and other instruments, the probate of wills, the commissions on estates, in the hands of the Clerk as receiver, all fees for the services of all processes and all other fees and commissions of every kind as are now and may hereafter be provided by law, be and the same are hereby ratified and are to belong to the county and are to be collected by the said officers as aforesaid and remitted daily to the Treasurer of the county as aforesaid: *Provided*, the Board of County Commissioners may, in their discretion, authorize monthly instead of daily reports of fees.

SEC. 4. That the Clerk of the Superior Court is hereby made the Agent of the county for the purpose of receiving the fees for the Sheriff and Register of Deeds to the end that the Clerk's office shall be the place where all fees are to be paid, said fees to be paid to the said Clerk as Agent for the county, and the Board of County Commissioners are hereby authorized, directed and empowered to make such reasonable rules and regulations as may be necessary to carry out this provision and all other provisions of this act, and the said Board of County Commissioners shall require a bond of the said Clerk as Agent of the county, in the collection of said fees in an amount sufficient to properly protect the county, and may employ such additional help by and with the advice and consent of the Clerk to properly carry out this and all other provisions of the act to the end that the said fees shall be efficiently collected at one central place and properly accounted for and protected.

SEC. 5. The Sheriff shall appoint a jailor and fix his salary, which salary shall be subject to approval by the Board of County Commissioners, to be paid out of the general county fund, and that the feeding of the prisoners shall be in the hands of the County Commissioners who shall in their discretion provide for the same. The Sheriff shall appoint sufficient

approval of Commissioners.

Salaries paid in lieu of all other compensation.

Fees and commissions to be collected and turned over to Treasurer.

Daily reports required.

Monthly reports may be ordered by Commissioners.

Clerk of Court named Agent of County for receiving fees collected.

Bond of Clerk as Agent.

Additional help provided.

Sheriff to appoint jailor; salary.

Feeding of prisoners.

Deputies provided.

deputies to properly carry on the work of his office and fix their salaries, which said salaries and the number of deputies employed shall be provided in the discretion of the Board of County Commissioners.

Deputies or other County officers.

SEC. 6. That the Clerk of the Superior Court, and the Register of Deeds shall appoint the deputies and clerks to properly carry on the respective duties of their said offices and fix their salaries, which said salaries and the number of deputies and clerks shall be in the discretion of and subject to approval by the County Board of Commissioners.

Salaries.

No additional compensation for extra services.

SEC. 7. The officers hereinafore mentioned shall faithfully perform all the duties of their said offices, and shall receive no other compensation or allowances whatsoever for any extra or additional services rendered to the county or state or other governmental agencies, and they shall be liable to all the pains and penalties now or hereafter provided for failure to perform the duties of their several offices.

Monies paid to Treasurer payable into general fund.

SEC. 8. That all monies coming into the hands of the Treasurer of Mecklenburg County by virtue of this act, shall be paid in to the general county fund of Mecklenburg County, and the said Treasurer shall keep a separate account of the monies received from the several offices as provided in this act, and the amount expended for the salaries of deputies, clerks and the expenses of said offices separately and make a quarterly report to the Board of County Commissioners of said receipts and disbursements and showing balance on hand in the county fund after paying the expenses herein provided for, for maintaining said offices.

Separate account.

Quarterly report.

Accurate accounts by officers enjoined.

SEC. 9. That the officers mentioned in this act shall themselves keep accurate accounts of the amounts received and from what sources, and shall keep their books and accounts open to the end that the County Commissioners, or any other citizen may at any reasonable time require said officers to exhibit to them all books and accounts showing the monies received and turned over to the Treasurer under the provision of this act.

Accounts to be kept open to public inspection.

Office of Assistant Clerk unaffected.

SEC. 10. That nothing in this act shall be construed to in any manner abolish or invalidate the office of Assistant Clerk of the Superior Court as now provided by law, and the said Assistant Clerk of the Superior Court shall be appointed by the Clerk of the Superior Court who shall also fix his salary which said salary shall be subject to approval by the Board of County Commissioners as herein provided for other clerks and deputies.

Failure to collect fees made misdemeanor.

SEC. 11. That any officer, deputy, deputy clerk, or assistant, herein mentioned, who shall wilfully fail or refuse to collect the full fee, commission or emolument of any kind belonging to any of the said offices mentioned herein, shall be guilty of a misdemeanor, and that any officer named in this act failing or

refusing to make the verified settlement required by this act shall be guilty of a misdemeanor, and that any officer named in this act who shall wilfully make a false statement as to the amounts received by him as required by this act shall be guilty of a felony, and upon conviction shall be punished as provided in cases of misdemeanors and felonies as the case may be.

SEC. 12. This act shall take effect from and after the first Monday in December, one thousand nine hundred thirty-one.

SEC. 13. That all laws and clauses of laws in conflict with this act be and are hereby expressly repealed.

Ratified this the 21st day of February, A. D. 1931.

Failure to make verified settlement made misdemeanor.

Making false statement made felony.

Effective December, 1931.

Conflicting laws repealed.

CHAPTER 87

AN ACT TO AMEND CHAPTER ONE HUNDRED FORTY-ONE, PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-NINE, FORBIDDING BORROWING ADDITIONAL FUNDS FOR HIGHWAY CONSTRUCTION AND IMPROVEMENTS IN CRAVEN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That authority to borrow money conferred upon the Board of Commissioners of Craven County, by chapter one hundred forty-one, Public-Local Laws of one thousand nine hundred and twenty-nine, and to issue notes and bonds therefor for the purpose of construction and improvement of highways in said county is hereby withdrawn so far as borrowing any additional amounts or issuing notes for any additional amount after ratification of this act. *Provided, however,* nothing in this act shall be construed to impair or invalidate any notes or bonds heretofore issued under provisions of chapter one hundred and forty-one, Public-Local Laws of one thousand nine hundred twenty-nine, or in any way interfere with the renewing, funding or refunding any notes or bonds heretofore issued under provisions of chapter one hundred forty-one, Public-Local Laws of one thousand nine hundred and twenty-nine, the purpose of this amendment being to prevent borrowing of additional amounts or issuing notes for additional amounts under said chapter one hundred forty-one, Public-Local Laws of one thousand nine hundred twenty-nine, and with this exception said chapter one hundred forty-one, Public-Local Laws of one thousand nine hundred twenty-nine, is to remain in full force and effect.

SEC. 2. That this act shall be in force and effect from and after its ratification.

Ratified this the 21st day of February, A. D. 1931.

Ch. 141, Public-Local Laws 1929, amended, withdrawing from Craven County Commissioners power to borrow additional funds for highway construction.

Outstanding obligations unimpaired.

Funding present notes and bonds unaffected.

CHAPTER 88

AN ACT TO EMPOWER THE SHERIFFS OF WASHINGTON AND HYDE COUNTIES TO SELL THE LANDS IN WASHINGTON COUNTY DRAINAGE DISTRICT NO. FOUR FOR DELINQUENT DRAINAGE ASSESSMENTS.

The General Assembly of North Carolina do enact:

Sale of land in Drainage District No. 4, Washington and Hyde Counties, for delinquent assessments authorized.

Purposes of assessments.

Time limit of sales, January 1, 1932.

Former sales validated.

Special assessments validated.

Conflicting laws repealed.

SECTION 1. The sheriff of Washington County and the sheriff of Hyde County or tax collector, as the case may be, are hereby authorized and empowered to sell for delinquent drainage assessments, general or special, the land lying in Washington County Drainage District Number Four, said district being situate in Washington and Hyde Counties, especially the special assessment levied in one thousand nine hundred and twenty-five to clean out canals, and the special assessment levied in one thousand nine hundred and twenty-nine, and one thousand nine hundred and thirty to pay balance on drainage bonds, and that the time for making said sales is hereby limited to the first day of January, one thousand nine hundred and thirty-two.

SEC. 2. That the sales for delinquent drainage assessments by sheriffs or tax collectors of Washington and Hyde Counties of the lands in Washington County Drainage District Number Four be and the same are hereby validated.

SEC. 3. The special assessments levied by the drainage commissioners of Washington County Drainage District Number Four for the purpose of cleaning out canals in one thousand nine hundred and twenty-five, and to pay balance due on drainage bonds in one thousand nine hundred and twenty-nine, and one thousand nine hundred and thirty be and the same are hereby validated.

SEC. 4. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 5. That this act shall be in full force and effect from and after its ratification.

Ratified this the 21st day of February, A. D. 1931.

CHAPTER 89

AN ACT TO REQUIRE SHERIFF OR TAX COLLECTOR OF CRAVEN COUNTY TO ACCEPT PARTIAL PAYMENTS IN COLLECTION OF TAXES.

The General Assembly of North Carolina do enact:

Partial payments of taxes authorized in Craven County, subject to regulation by Commissioners.

SECTION 1. That, under such rules and regulations as may be prescribed by Board of Commissioners of Craven County, the Sheriff of Craven County or Tax Collector, be required under law, to collect any taxes due said County, is hereby required

to accept partial payments and issue receipts therefor, to the taxpayers, for the current year's taxes; and when said taxes are paid in full by partial payments or otherwise, said tax collecting official shall issue final receipts to taxpayers.

SEC. 2. That the Board of Commissioners of Craven County are hereby required to furnish the Sheriff or tax collector with suitable tax receipts and copy of rules and regulations adopted by said board in reference to collection of taxes by partial payments.

Suitable tax receipts to be furnished.

SEC. 3. That this Act shall be in force from and after its ratification.

Ratified this the 21st day of February, A. D. 1931.

CHAPTER 90

AN ACT TO REGULATE THE FEES OF THE RECORDER'S COURT FOR UNION COUNTY AND THE CITY OF MONROE AND TO FIX THE PAY OF JURORS AND WITNESSES IN THE RECORDER'S COURT.

The General Assembly of North Carolina do enact:

SECTION 1. That the fees allowed in the Recorder's Court for Union County and the City of Monroe shall be fixed as follows: issuing warrant, including affidavit and precept, one dollar; trial and judgment in cases of submission and nolo contendere, seventy-five cents; trial and judgment when issue, one dollar; docketing warrant and judgment and cross-indexing the same a total of seventy cents; for issuing subpoena in cases where magistrate has jurisdiction, ten cents each; for issuing subpoena where magistrate has not jurisdiction, fifteen cents each; issuing *capias*, one dollar; issuing search warrant, including affidavit and precept, one dollar; for each continuance on defendant's motion, thirty cents; Recorder's seal, each, twenty-five cents; Solicitor's fee, each defendant, two dollars; filing and indexing all names in the same warrant, twenty cents; judgment nisi each defendant, twenty-five cents; motion, written, twenty-five cents; notice, each defendant, twenty-five cents.

Fees allowable in Recorder's Court of Union County and Monroe enumerated.

SEC. 2. In all cases where process is issued by and/or returnable before the Recorder's Court and served by the Sheriff of Union County, or the police of the City of Monroe, or the police of the Town of Benton Heights, or the police of the Town of West Monroe, or the police of the Town of Icemorlee, the following fees shall be taxed: for the arrest of each defendant on a warrant or *capias*, two dollars; for service of search warrant, each defendant, one dollar; for service of *sci fa* or order, each defendant, one dollar; for service of each subpoena, thirty cents; taking bond, including justification, sixty

Fees where process is issued.

Salaried officers to surrender fees collected.

cents; committing defendant to jail, sixty cents; *Provided*, further, that where the officer serving the process is on a salary for his services as such, the fees so taxed shall be held and disposed of by the Clerk as heretofore provided in the statutes relating to the Recorder's Court.

Fees of witnesses.

SEC. 3. Witnesses subpoenaed to appear before the Recorder's Court to testify in cases before the court, when sworn and tendered, in all cases where justices of the peace have concurrent jurisdiction, shall be allowed the sum of fifty cents per diem without mileage; where magistrates have not concurrent jurisdiction, witnesses shall be allowed the sum of one dollar per diem, with mileage at the rate of ten cents per mile one way from their residence in the county to the court; *Provided, further*, that not more than two witnesses shall be subpoenaed to testify before the court as to any one material fact or set of facts; *Provided further*, that at the trial of the cause, the Recorder shall specify such witnesses as may be allowed to prove their attendance in each case tried before him.

Limitation on number of witnesses.

Recorder to specify number.

Deposit required of defendant demanding jury trial.

SEC. 4. In all cases before the Recorder's Court where the defendant demands a jury trial, he shall deposit the sum of nine dollars with the Clerk of the Recorder's Court before the jury is drawn; and thereupon a jury shall be drawn as heretofore provided in the acts relating to the Recorder's Court; and each juror sitting on the trial of the cause shall be allowed the sum of one dollar per diem for his services; and the sum of fifty cents shall be allowed the jurors not sitting in the trial of the case.

Fees of jurors.

Conflicting laws repealed.

SEC. 5. All laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Effective April 1, 1931.

SEC. 6. That this act shall be in full force and effect on and after the first day of April, one thousand nine hundred and thirty-one.

Ratified this the 21st day of February, A. D. 1931.

CHAPTER 91

AN ACT TO PREVENT DEPREDACTIONS OF DOMESTIC FOWLS IN THE COUNTY OF CHEROKEE.

The General Assembly of North Carolina do enact:

Allowing domestic fowls to run at large prohibited.

SECTION 1. That it shall be unlawful for any person to permit any turkeys, geese, chickens, ducks or other domestic fowls to run at large after being notified to keep them up, on land other than that belonging to the owner of the domestic fowls while such lands are under cultivation in any kind of grain or feed-stuff, or while being used for garden or ornamental purposes.

SEC. 2. Any person permitting his domestic fowls to run at large, after having been notified to keep them up, shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding five dollars or imprisoned not exceeding five days, or if it shall appear to any Justice of the Peace that after two days' notice any person persists in allowing his fowls to run at large or refuses to keep them on his own premises, then the said Justice of the Peace may, in his discretion, order any Sheriff, Constable or other officer to kill said fowls when so depredating.

Violation made misdemeanor.

SEC. 3. That this act shall apply only to Cherokee, Hertford, and Rockingham Counties.

Killing of such fowls.

SEC. 4. That all laws and clauses of laws in conflict with this act are hereby repealed.

Applicable to Cherokee, Hertford and Rockingham Counties.

SEC. 5. That this act shall be in force and effect from and after its ratification.

Conflicting laws repealed.

Ratified this the 21st day of February, A. D. 1931.

CHAPTER 92

AN ACT TO PROVIDE FOR THE PAYMENT, IN INSTALLMENTS, OF PROPERTY TAXES DUE TO NEW HANOVER COUNTY AND THE CITY OF WILMINGTON.

The General Assembly of North Carolina do enact:

SECTION 1. That any person, firm or corporation owing real and/or personal property taxes to New Hanover County and/or the City of Wilmington shall be permitted to pay said taxes in installments subject to the conditions provided in this Act.

Wilmington and New Hanover County taxes may be paid in four installments.

SEC. 2. Any taxpayer whose aforesaid property taxes amount to five dollars or more shall be permitted to pay:

One-fourth or more of said tax on or before November thirtieth of the year in which said tax was assessed and levied;

First installment.

One-fourth or more on or before January thirty-first, next;

Second.

One-fourth or more on or before March thirty-first, next;

Third.

And the remainder, if any, on or before April thirtieth, next.

Fourth.

SEC. 3. No discount shall be allowed on any of said items of taxes, any part of which has been paid in installments as provided in Section two of this Act.

No discount allowable.

SEC. 4. No penalty for delayed payment shall be charged against any of said items of taxes paid in installments, *provided* said partial payments have been made in accordance with Section two of this Act. Any partial payment not made within the times specified in Section two of this Act shall be subject to penalties imposed by general law.

No penalty for delayed payments if made according to schedule.

Usual sale for non-payment unaffected.

SEC. 5. Any property on which the taxes have not been paid in full shall be sold for the amount of the taxes and penalties due on the same, at the time and in the manner provided by general law.

Tax levy and liens preserved.

SEC. 6. Nothing in this Act shall prevent the levying on property for the collection of taxes, or in any way interfere with the tax liens on property as provided by general law.

Conflicting laws repealed.

SEC. 7. That all laws and clauses of laws in conflict herewith, to the extent of such conflict, are hereby repealed.

SEC. 8. This Act shall be in force and effect from and after its ratification.

Ratified this the 21st day of February, A. D. 1931.

CHAPTER 93

AN ACT TO PERMIT THE COUNTY COMMISSIONERS OF CASWELL COUNTY TO TRANSFER CERTAIN FUNDS FROM THE SALARY FUND TO THE GENERAL COUNTY FUND.

Preamble, surplus existing in Caswell County salary fund.

Whereas, taxes were levied for the year nineteen hundred and thirty, to pay salaries of the officials of Caswell County, and

Whereas, some of the offices have been abolished and the salaries of other offices may be reduced. *Now, therefore:*

The General Assembly of North Carolina do enact:

Commissioners authorized to transfer such surplus to general fund.

SECTION 1. That the Board of County Commissioners be and they are hereby authorized to transfer any funds derived from taxes levied during the year nineteen hundred and thirty, for salaries of the county offices which have been or may be not expended for that purpose to the General County Fund.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in force from and after its ratification.

Ratified this the 21st day of February, A. D. 1931.

CHAPTER 94

AN ACT TO INCREASE THE DUTIES OF THE BOARD OF EDUCATION IN MADISON COUNTY.

The General Assembly of North Carolina do enact:

Madison County Board of Education directed to appoint school committees in all districts in county.

SECTION 1. That the board of education of Madison County at its regular monthly meeting on the first Monday in April, one thousand nine hundred and thirty-one and annually thereafter shall appoint a school committee composed of only three

members, in each special taxing school district and a committee of only three members in non-local taxing districts, and the different school committees of the County shall serve one year only.

SEC. 2. That the term of office of all school committees now serving in Madison County in special taxing and non-local special taxing districts shall expire on the first Monday in April, one thousand nine hundred and thirty-one.

SEC. 3. That the board of education in Madison County is hereby empowered and directed to name the qualifications and duties of school committeemen before making appointments, and thereafter be governed accordingly in making each and every appointment.

SEC. 4. That this act shall apply to Madison County only.

SEC. 5. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 6. That this act shall be in force and effect from and after its ratification.

Ratified this the 23rd day of February, A. D. 1931.

CHAPTER 95

AN ACT TO AMEND CHAPTER TWO HUNDRED NINETY-THREE OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED TWENTY-FIVE KNOWN AS AN ACT TO CREATE A ROAD COMMISSION FOR HARNETT COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section three of said act be, and the same is hereby repealed, and the following substituted therefor: "That from and after the first Monday in April, one thousand nine hundred and thirty-one, the board of county commissioners of Harnett County shall, ex-officio, constitute the Road Commission of Harnett County, and shall thereupon succeed to all the powers, authority, duties and privileges imposed upon the said Road Commission or with which the said Road Commission has been invested by virtue of said chapter two hundred ninety-three of the Public-Local Laws of one thousand nine hundred twenty-five, and all amendments thereto".

SEC. 2. That section four of said act be, and the same is hereby repealed, and the following substituted in lieu thereof: "The chairman of the board of county commissioners of Harnett County shall, ex-officio, be the chairman of the Road Commission of Harnett County as created in said chapter two hundred ninety-three of the Public-Local Laws of one thousand nine hundred twenty-five, and amendments thereto".

Term of office.

Present terms expire April, 1931.

Qualifications.

Applicable only to Madison County. Conflicting laws repealed.

Ch. 293, Public-Local Laws 1925, amended, abolishing Harnett County Road Commission.

County Commissioners succeed to powers and duties as of April, 1931.

Ex-officio chairman.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 4. This act shall be in force from and after its ratification.

Ratified this the 23rd day of February, A. D. 1931.

CHAPTER 96

AN ACT TO CHANGE SITE OF JAIL IN FORSYTH COUNTY.

The General Assembly of North Carolina do enact:

Forsyth County Commissioners authorized to change site of jail.

SECTION 1. That the Board of County Commissioners of Forsyth County, at their discretion, may change the site of the present jail from its present site at the corner of North Main Street and West Fifth Street in the City of Winston-Salem, North Carolina, to the site of the Forsyth County Farm, or any other site in Forsyth County and may discontinue the present jail at their discretion.

SEC. 2. That this act shall be in force and effect from and after its ratification.

Ratified this the 23rd day of February, A. D. 1931.

CHAPTER 97

AN ACT FOR THE RELIEF OF ROBERT L. PURNELL, JR., OF WARREN COUNTY ON ACCOUNT OF INJURIES RECEIVED WHILE IN THE COURSE OF THE PERFORMANCE OF HIS DUTIES AS DEPUTY SHERIFF.

Preamble, injury of Robert L. Purnell, Jr., Warren County deputy sheriff, while on duty.

Whereas, on May third, one thousand nine hundred twenty-eight, Robert L. Purnell, Jr., of Warren County, while engaged in the performance of his duties as deputy sheriff in and for said county, in attempting to arrest one John Macon for the crime of murder, was dangerously and permanently wounded and injured;

Hospital and physicians' bills incurred, \$400.

And Whereas, on account of said wound and injury the said Robert L. Purnell, Jr., in addition to suffering the permanent injuries as aforesaid, incurred hospital and physicians' bills amounting in the aggregate to the sum of four hundred dollars;

And Whereas, it is proper and just that the said Robert L. Purnell, Jr., should be reimbursed by public authority for the expenditure so incurred; *now, therefore*,

The General Assembly of North Carolina do enact:

Commissioners authorized to reimburse officer.

SECTION 1. That the board of commissioners of Warren County be, and they are hereby, authorized, empowered and directed to appropriate and pay to the said Robert L. Purnell,

Jr., the sum of four hundred dollars out of the general fund of said County as reimbursement to him for the expenditure on account of said physicians' and hospital bills so incurred; said sum to be paid two hundred dollars on April the first, one thousand nine hundred and thirty-one, and two hundred dollars on December first, one thousand nine hundred and thirty-one.

SEC. 2. This act shall be in force and effect from and after its ratification.

Ratified this the 23rd day of February, A. D. 1931.

In two equal installments.

CHAPTER 98

AN ACT TO AMEND CHAPTER EIGHTY-FOUR OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-FIVE, RELATING TO ASSISTANT CLERK OF SUPERIOR COURT OF UNION COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter eighty-four of the Public-Local Laws of one thousand nine hundred and twenty-five be and the same is hereby amended by striking out the word "deputy" in line five of section four and inserting in lieu thereof the word "assistant".

SEC. 2. That all laws and clauses of laws in conflict with this act shall be and the same are hereby repealed.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 23rd day of February, A. D. 1931.

Ch. 84, Public-Local Laws 1925, amended; Assistant Clerk Superior Court of Union County authorized.

Conflicting laws repealed.

CHAPTER 99

AN ACT TO RE-ESTABLISH THE OFFICE OF TREASURER OF ROWAN COUNTY.

Whereas, the office of treasurer of Rowan County was abolished, and

Whereas, the banks of Salisbury have declined to act as financial agents of Rowan County, *now, therefore*.

The General Assembly of North Carolina do enact:

SECTION 1. The office of treasurer of Rowan County be, and the same is, re-established.

SEC. 2. The county auditor of Rowan County shall be ex-officio county treasurer and shall perform all the duties of county treasurer without compensation.

Preamble.

Rowan County Treasurer re-established. Auditor ex-officio Treasurer without compensation.

Bonds of
Treasurer.

One for School
Fund.

One for County
Treasurer.

Penal sum of
\$25,000 each.

Conflicting laws
repealed.

SEC. 3. The county treasurer shall give a bond in an amount to be fixed by the board of county commissioners conditioned for the faithful performance of his duties as treasurer of the County school fund, and a separate bond in an amount to be fixed by the board of county commissioners conditioned for the faithful performance of his duties as county treasurer as is required by law of the county treasurer. The penalty of each of said bonds shall be in an amount not less than twenty-five thousand (\$25,000.00) dollars, and the board of county commissioners may increase it at any time.

SEC. 4. All laws or parts of laws in conflict with this act are hereby repealed.

SEC. 5. This act shall be in force from and after its ratification.

Ratified this the 23rd day of February, A. D. 1931.

CHAPTER 100

AN ACT TO AMEND CHAPTER ONE HUNDRED AND EIGHTEEN, PUBLIC LAWS OF NORTH CAROLINA, SESSION ONE THOUSAND NINE HUNDRED AND TWENTY-NINE, HENDERSON COUNTY ROAD LAW.

The General Assembly of North Carolina do enact:

Ch. 118, Public
Laws 1929,
amended, relating
to Henderson
County Road
Law.

SECTION 1. That sections six, seven, twelve, and twenty-four of chapter one hundred and eighteen Public Laws of North Carolina, session one thousand nine hundred and twenty-nine, known as the Henderson County Road Law, be and the same are hereby repealed.

Law again
amended.

SEC. 2. That chapter one hundred and eighteen Public Laws of North Carolina, session one thousand nine hundred and twenty-nine, known as the Henderson County Road Law, be further amended and made to read as set out in the remaining sections of this act hereafter, to-wit:

Public roads, etc.,
declared.

(A) All roads, bridges and cartways that have been laid out or appointed by virtue of any act of the General Assembly, or any order of any Court in Henderson County, are hereby declared to be public roads, bridges and cartways.

Road powers
vested in County
Commissioners.

(B) That the commissioners of the County of Henderson shall have exclusive supervision, power and authority over all public roads in the County, to maintain, to pave or otherwise surface the same, and shall also have exclusive power and authority to lay out all new roads, to locate, change, relocate, widen or discontinue any old roads or parts thereof, and to lay out, make or discontinue any and all cartways or parts thereof in said county, and for these purposes they are hereby vested

with the right and power of eminent domain and condemnation. Said new roads, changes or discontinuances shall be made in the following manner, to-wit: When the said board of county commissioners shall be of the opinion that it is necessary and for the public good that a new road or cartway shall be made, or that any old road or cartway shall be changed or relocated or discontinued, said board shall so declare and shall appoint one or more of its members who, together with the road engineer or a competent engineer or surveyor to be designated for that purpose, shall view the premises and lay out the same, and they shall make report of their action to the board of commissioners who shall either approve or disapprove said report at its next regular meeting, not exceeding thirty days thereafter, and if said board approve the same, it shall immediately order and direct the making and laying out of said road, or the making of any change or discontinuance, and the same shall be done under the direction of the board of county commissioners and those under its charge, either with free or convict labor or by letting the same to contract. Any property owner whose land is affected by any new road or change or relocation of any old road, may within thirty days after such new road or change in old road is completed, claim damages therefor, if they make demand for same of said board of commissioners in writing within said thirty days. A failure to so present his or their claim within said time shall bar any claim thereafter, and if said board and said owner or owners cannot agree upon the amount of said damages, if any, then said board, within not more than sixty days after the completion of said road, shall order a jury of three disinterested freeholders who shall not be a resident in the immediate vicinity of said new road to be summoned by the sheriff, who shall give the land owner or owners, or their legal representatives, three days notice of the time when said jury will view the premises, which jury after being duly sworn to act impartially and justly, shall after taking into consideration the benefit, if any, to the owner or owners of the land, by reason of the increase in the value of said land derived as a result of the said new road or amendment, assess the damages and benefits and make immediate report thereof to the board of commissioners, and if said benefits shall be found by said jury to be equal to or greater than the damages sustained no damages shall be paid, and the claimant shall pay the costs. The landowner or said board of commissioners may appeal from the findings of the jury as to damages or benefits to the Superior Court, where the question of damages or benefits shall be heard De Novo, as in cases of appeals from Justices of the Peace: *Provided*, that after any new road or change in any old road has been ordered to be made a public

Power of eminent domain.

Relocation of roads.

Claim of damages by landowner affected by road construction.

Failure to agree; jury provided for.

Notice of time of hearing.

Assessment of damages and benefits.

Appeal to Superior Court.

Road construction not to be delayed pending appeal.

road, as in this act provided, by the county commissioners, the construction and opening of said road shall not be delayed by any appeal from the county commissioners to the Superior Court.

Cartways shall be laid out by said board in the same manner as herein provided for the laying out of roads, except that it shall not be necessary for an engineer to assist in laying out cartways unless the petitioners request his services; except also, that no cartways shall be ordered or authorized except upon petition and only after the owners of the land over which same is to be laid out shall have had ten days' notice in writing. The cost of construction and maintenance of all cartways, together with damages which shall be assessed by the board of commissioners at the time said cartway is laid out, shall be paid by the person or persons petitioning for the same. Any person or persons who may desire a cartway, or who may be opposed to the making of a cartway, may appeal to the Superior Court from the action of the board in either granting or refusing to grant the same, as appeals are taken from Justices of the Peace, *provided, further*, that the county is in no event authorized to construct or pay the cost of constructing or maintaining cartways, or costs whatever. If the land owner be a non-resident of the County and has no legal representative, notice of such petition and the purpose thereof shall be served by posting same at the court house door and publication once a week in some newspaper published in Henderson County, for three weeks, giving the purpose, time and place of said meeting, and if said non-resident's address be known a like notice in writing shall be mailed to him or them three weeks before said meeting, to lay out said cartway.

(C) The board of commissioners shall have charge of the construction, maintenance and general management of all public roads and highways and bridges of Henderson County, made such by this act, or by the orders of the board of commissioners, except where the same are under the control, supervision and management of the State Highway Commission, or in incorporated towns and cities, and shall act in harmony with the State Highway Commission and with the Federal authorities in obtaining aid for Henderson County public roads, highways and bridges, and for the best interests of Henderson County and on all plans and schemes of work, the board of commissioners shall confer with regard thereto in order that the best interest of Henderson County may be served.

(D) That in order that the provisions of this act may be economically and efficiently carried out it shall be the duty of the board of commissioners immediately upon the ratification of this act, at their first regular meeting thereafter or at a meet-

Laying out
cartways.

Method.

Cost of construc-
tion borne by
petitioners.

Appeal to Su-
perior Court.

Notice of adver-
tising to non-
resident land-
owners.

All road powers
and duties vested
in County
Commissioners.

Cooperation with
State and Federal
Road authorities.

Selection of
County Road
Commissioner.

ing called for that purpose, to select one of their number to be designated road commissioner of Henderson County and to whom shall be delegated the general management of the construction, maintenance and laying out of all public highways, public roads and bridges of Henderson County under authority given the board of commissioners in section "B" of this act.

(E) The board of county commissioners shall have full management and control of the Henderson County chain gang as now organized, and shall have power to employ a suitable and competent full-time man to be known as superintendent of Henderson County chain gang, also to employ such overseers and guards as they may find necessary, and fix their compensation, and to discharge said superintendent and other employees at any time their services shall not be satisfactory to a majority of said board.

(F) The board of county commissioners are hereby authorized and empowered to contract for all materials necessary to the construction, hard surfacing and maintenance of the highways, public roads and bridges of Henderson County, when said materials may be had for a reasonable price, the circumstances and conditions being considered, and if same can not be obtained by contract and purchased at a price that said board considers fair and adequate, after having made an effort to so purchase same, it shall have the right of eminent domain, and the right to condemn and take said materials in the manner and as allowed and provided by law for other corporations, in Consolidated Statutes, chapter thirty-three, and amendments thereto.

(G) That male persons sentenced by the courts of Henderson County to the County jail for criminal offenses, may be assigned to work in the Henderson County chain gang on the public roads of said County, but the said board may not hire or permit from any other County convicts who may have been assigned by the several judges of the courts of other counties to work on its roads.

(H) The board of county commissioners shall have full power and authority to make rules and regulations governing the Henderson County chain gang, and of the superintendent and employees thereat, and to direct the expenditures of all moneys collected for road and bridge purposes, and any person violating said rules and regulations established for the government of said chain gang and the employees connected therewith shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than ten dollars, nor more than fifty dollars, or imprisoned not more than thirty days, or both in the discretion of the court.

Control of chain gang.

Appointment of Superintendent.

Removal.

Contracts for road materials.

Right of eminent domain for materials.

Assignment of convicts to road work.

Employment of convicts from another county prohibited.

Commissioners to make rules and regulations governing chain gangs. Expenditure of road moneys.

Violation of rules and regulations made misdemeanor.

Punishment.

(I) The board of commissioners and the County road force, or forces working under contractors, under contracts with said board, constructing, changing or repairing the public roads of Henderson County, and the laborers or employees of either, shall have the right to use thirty feet in width for the construction, changing or repairing of any public road, if deemed advisable by said board, and they shall have the right to enter upon any lands for a distance of fifteen feet from the margin of either side of any public road and remove any timber shading, or likely to fall into said road: *Provided*, that this right shall not apply to any ornamental or shade or fruit trees in close proximity to dwellings or out buildings.

(J) The County road superintendent and County road forces, whether chain gang or laborers working under contractors, employed by the board of commissioners, are hereby authorized to enter upon any lands adjoining public roads for the purpose of opening ditches for drainage and they shall have the right to turn water out of any public road at any point that they may deem proper and necessary, doing as little damage to the lands adjoining the road as the nature of the case and the public interest will permit. Any person who shall willfully or negligently obstruct any such ditch shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than ten dollars, nor more than fifty dollars, or imprisoned not more than thirty days, or both in the discretion of the court.

(K) The board of commissioners may establish mile posts and suitable sign boards on all the leading public roads of Henderson County, except the State highways, measuring from the court house in Hendersonville, and if any person shall willfully demolish, throw down, alter or deface any guide board, mile post or sign board placed by said board, damage any bridge, obstruct any public road or highway, fill up or obstruct any drain or side ditch, or in any way willfully damage any part of the public highway or public bridges, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than ten dollars, nor more than fifty dollars, or imprisoned not more than thirty days or both in the discretion of the court.

(L) That if any person or persons or corporation or any agent or servant of any corporation, shall obstruct any public road, street, or highway of Henderson County by permitting any railway cars or locomotives to be or remain upon or across any public road, street or highway for a longer period than five minutes, or shall permit any timber, iron, rock or any other obstruction to be and remain upon or across any public road, street or highway, to the hindrance or inconvenience of any person or persons passing along said highway, road or street, or

Road forces may use width of thirty feet.

Removal of trees on roadside.

Ornamental or shade trees excepted.

Opening of ditches and drains.

Obstruction of ditch made criminal.

Punishment.

Establishment of mile posts and sign boards.

Tampering with, made criminal.

Obstructions prohibited.

Punishment.

Obstruction with railway cars prohibited.

Limit of time, five minutes.

shall erect any billboards within thirty feet of the center of any public road, street or highway in Henderson County, shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than fifty dollars, or imprisoned not more than thirty days.

Erection of bill boards prohibited.

Punishment.

(M) It shall be unlawful for any railway company to obstruct the drainage of any public road or highway in any manner or to empty the water from its ditches into any public road or highway, and said railway company shall at all times keep in repair all public railway crossings; and if said company shall raise or lower the grade of any such crossing it shall be the duty of such company to make and at its own expense to construct proper and convenient approaches to such crossings upon a grade which may be easily and conveniently used; and if any railway company shall fail or refuse, after written notice by the board of commissioners or road superintendent, left with any agent of such company upon whom a summons in a civil action may be served, to so construct or to repair any such grade or crossing, or to change the water from any side ditch from the public road, or to make any other necessary changes as to any ditch for the protection or preservation of said public road, then such railway company so offending shall forfeit and pay the sum of fifty dollars for each and every such offense, to be recovered by the board of commissioners before a Justice of the Peace, and all sums so recovered shall be paid into the county treasury and credited to the County road fund.

Drainage obstruction by railroads prohibited.

Raising or lowering grade crossings.

Refusal of rail-road to make proper approaches entails forfeiture of \$50.

Recovery of forfeiture.

(N) That in the establishing of new roads and highways, it shall be the duty of the board of commissioners to establish or cause to be established and constructed, suitable approaches to said roads and highways where the construction of said public roads and highways has damaged roads of entrance to said public roads or highways which were existing and all persons who shall construct private roads or streets to said public roads and highways, that have been or shall hereafter be established and constructed, shall do so only after permission from the board of commissioners, with an arrangement for drainage and manner of construction directed by said board of commissioners. Any person or corporation violating the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than fifty dollars or imprisoned not more than thirty days.

Suitable approaches to old roads and private roads.

Private approaches made only with permission of Commissioners.

Violation of provision made criminal.

Punishment.

Laws of the road.

(O) That persons meeting each other on the public highways, roads, streets, or bridges, traveling in carriages, wagons, automobiles or other vehicles in Henderson County, each person shall reasonably drive his vehicle to the right of the middle of the road, highway or bridge, so that the other person or vehicle

Driving to right in passing.

Violation made
misdemeanor.

Punishment.

Contracts between
county and incor-
porated towns and
cities.

Road tax of 18c
on \$100 author-
ized.

Limitation of tax.

Collection of tax.

Increase of levy
in emergencies.

Road year in
county.

Act effective
January 1, 1931.

County road pa-
trolman author-
ized.

may pass without interference. Any person offending against the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof, be fined not more than fifty dollars, or imprisoned not more than thirty days, *provided* that a willful violation of the provisions of this section shall carry a fine of not less than ten dollars.

(P) That the board of commissioners of Henderson County and the city commissioners of any incorporated city or town in Henderson County are authorized and empowered to contract with each other, as to the completion of any streets, roads or highways and bridges forming connections between the city and the county, wherever it shall be by them deemed necessary and for the best interest of the public.

(R) That for the purpose of raising revenue with which to carry out the purpose of this act—the maintenance of the public highways, public roads and bridges of Henderson County, and the expenses thereof—the board of commissioners of Henderson County are hereby authorized and empowered to levy annually for road and bridge purposes not more than eighteen cents on each one hundred dollars worth of taxable property in the county and a tax on polls as required by the constitutional equation, *provided*, that the tax levied in any one year for roads and bridges shall be lower than the combined limit for roads and bridges in the proportion that any aid from the State for road purposes for road year shall exceed the sum received from the State for road purposes for the year one thousand nine hundred and thirty. And the chairman of the board of commissioners shall place the same on the tax list for each current year, to be collected with the other annual taxes; *provided*, the board of county commissioners shall have the power, if necessity calls for it, to increase the tax levy herein provided for roads and bridges to cover the cost of any deficit caused by reason of any act of God, or public calamity affecting the roads and bridges of Henderson County.

(S) The Road Year for Henderson County shall begin on the first day of January in each and every year hereafter and in order that there may be no disorganization or controversy with relation to the Road Year this act is to take effect as of January first, nineteen hundred and thirty-one, in every respect in which it may be legal so to do.

(T) That for the purpose of policing, keeping order, enforcing the provisions of this act and the laws of North Carolina applicable to public highways, public streets and public bridges and roads of Henderson County, the board of commissioners are hereby given authority and empowered to appoint for such time as they may deem it advisable and for the best interests of Henderson County, for a term of not longer than their tenure

- of office, one county policeman, or peace officer, and to fix his compensation at not more than one hundred dollars each month for the term he may be employed, to be paid out of the general road fund, or by fees, such as allowed sheriffs and constables, or both fees and salary, as may be determined by said board of commissioners, and the duty of said County road policeman shall be to patrol the highways and public roads of Henderson County, to see that all traffic laws, rules and regulations of the State highways, County highways, public roads and streets are properly enforced. He shall serve under the sheriff of Henderson County and be answerable to the sheriff of Henderson County save in the matter of dispensing with his services at the conclusion of any time for which he may have been employed. His powers for making arrests and serving summons and all civil processes in the county for violation of any law shall be the same as that of sheriffs and constables in the County. He shall enter into a bond in the sum of one thousand dollars, payable to the State of North Carolina, for the faithful discharge of his duties and accountings for any moneys had or received by him and shall enter upon his duties after having been duly qualified by taking an oath of office, the same as that of Township constable wherein same may be applicable, and shall continue in his said office and the discharge of the duties thereof for such time as his services shall be satisfactory to the board of commissioners of said county.
- (U) That each member of the board of commissioners shall receive a salary of six hundred dollars annually, payable in twelve monthly installments, which shall be in full for the performance of all duties as county commissioner, including the duties imposed by this act.
- (V) That if any section of this act shall be found to be unconstitutional, such unconstitutionality shall affect only that part, and not invalidate any other part thereof.
- (W) That in all references to the "Board of Commissioners" in this act the board of county commissioners of Henderson County are referred to.
- SEC. 3. That the provisions of this act shall be applicable to Henderson County, North Carolina, only, but the road policeman may make arrests or serve civil processes in any part of the County.
- SEC. 4. That all laws and clauses of laws in conflict with this act are hereby repealed.
- SEC. 5. That this act shall be in force from and after its ratification.
- Ratified this the 23rd day of February, A. D. 1931.

Compensation.

Duties.

Process powers.

Bond of \$1,000.

Oath of office.

Commissioners to receive \$600 per year each.

Constitutional parts of Act upheld.

"Board of Commissioners" defined.

Application of Act.

Conflicting laws repealed.

CHAPTER 101

AN ACT TO AUTHORIZE THE COMMISSIONERS OF
BUNCOMBE COUNTY TO EMPLOY INVESTIGATORS
AT THE REQUEST OF GRAND JURIES.*The General Assembly of North Carolina do enact:*

Employment of
investigators at
request of grand
juries in Bun-
combe County.

SECTION 1. That the board of commissioners of the County of Buncombe are hereby authorized and empowered to employ and pay accountants and investigators to aid grand juries sitting in Buncombe County in making investigations of violations of the criminal laws in all cases in which a grand jury shall request the employment of an accountant and/or investigators.

SEC. 2. That this act shall be in full force and effect from and after its ratification.

Ratified this the 24th day of February, A. D. 1931.

CHAPTER 102

AN ACT TO ABOLISH THE OFFICE OF TREASURER OF
DAVIE COUNTY AND TO APPOINT A SUBSTITUTE
THEREFOR.*The General Assembly of North Carolina do enact:*

County Treasurer
of Davie County
abolished.
Appointment of
bank as Financial
Agent.

SECTION 1. That the board of commissioners of Davie County are hereby authorized and empowered to abolish the office of treasurer of said County and in lieu thereof to appoint some bank located in the County as financial agent of the County, which bank shall perform the duties now performed by the treasurer. The said bank appointed to act as financial agent of the County shall be appointed for a term of two years, at a compensation not in excess of five hundred dollars per annum and shall be required to execute the same bond for the safe-keeping and proper accounting of such funds as may come into its possession and belonging to said County or any political subdivision thereof and for the faithful discharge of these duties as is now required by law of county treasurers. If, however, there is no bank or trust company in the County, which can or will accept such appointment, the board of commissioners is hereby authorized to appoint some bank or trust company of an adjoining County as such financial agent, under the same terms and conditions as it might appoint a bank located in the county.

Term and com-
pensation.

Bond.

Outside bank may
be appointed.

SEC. 2. If said board of commissioners, in the exercise of wise discretion, should determine not to select a bank or trust company to act as financial agent, it may, after abolishing the office of treasurer, as provided in section one, select some suitable person to act as fiscal agent for the county, who shall be

Commissioners
may appoint
some person.

required to execute the same bonds for the safe-keeping and proper accounting of such funds as may come into his possession and belonging to the County or any political subdivision in the County and for the faithful discharge of his duties as now required by law of county treasurers. The compensation of said fiscal agent shall be not in excess of five hundred dollars per annum, payable monthly.

Bond.

Compensation.

SEC. 3. All laws and parts of laws in conflict with this act are hereby repealed.

Conflicting laws repealed.

SEC. 4. This act shall take effect from and after its ratification.

Ratified this the 24th day of February, A. D. 1931.

CHAPTER 103

AN ACT TO AMEND CHAPTER SIXTY-NINE OF THE PUBLIC-LOCAL LAWS, EXTRA SESSION OF ONE THOUSAND NINE HUNDRED AND THIRTEEN, AND ACTS AMENDATORY THERETO, RELATIVE TO EXCLUSIVE STOCK LAW IN JACKSON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That upon a petition to the County Board of Commissioners of Jackson County by any person, or persons, firm or corporation owning lands adjoining an exclusive Stock Law Boundary asking to be let into said boundary, and it appearing to the satisfaction of the commissioners that the party filing the petition owns the lands therein described and that said lands are contiguous to a boundary heretofore established, it shall be the duty of said Board of Commissioners to make and enter an order upon its minutes allowing the petitioner to come into said exclusive stock law boundary and to cause three notices to be posted on the premises and one at the Court House door of the action of said board.

Owners of land adjoining exclusive stock law territory in Jackson County may be let into territory upon petition to County Commissioners.

Ch. 69, Public-Local Laws ex-1913, thus amended.

Posting of notice of petition.

SEC. 2. That twenty days after the posting of said notices the boundary described in the petition shall be and become a part of said exclusive stock law boundary with all the rights and benefits as if it had been in the original described boundary.

Order to be made after 20 days' notice.

SEC. 3. That this act shall be in full force and effect from and after its ratification.

Ratified this the 26th day of February, A.D. 1931.

CHAPTER 104

AN ACT TO GIVE TO OWNERS OF PEANUT PICKERS A LIEN ON PEANUTS PICKED IN NORTHAMPTON AND MARTIN COUNTIES.

The General Assembly of North Carolina do enact:

Owners of peanut pickers to have superior lien on all peanuts picked off.

SECTION 1. That owners of peanut pickers used to pick off peanuts for any person shall have a lien on the peanuts picked off by their machine or picked for the contract price, and such liens shall have priority over other liens and mortgages, and every person getting possession of said peanuts shall be liable for the cost of picking off said peanuts and until said lien is discharged.

One who rents machine considered owner.

SEC. 2. That any party renting such machine and using it in picking off peanuts for others shall be regarded as the owner, as much so as if he or they were the real owner.

Applicable only to Martin and Northampton Counties.

SEC. 3. That this act shall apply only to Northampton and Martin Counties.

SEC. 4. That this act shall be in full force and effect from and after its ratification.

Ratified this the 26th day of February, A.D. 1931.

CHAPTER 105

AN ACT TO PROVIDE FOR THE REGISTRATION OF MAPS OR PLATS IN MOORE COUNTY.

The General Assembly of North Carolina do enact:

Provision made for filing maps or plats of subdivisions in Moore County.

SECTION 1. Any person, firm or corporation that may have heretofore filed a map or plat of a survey or sub-division of land in the office of the Register of Deeds of the County wherein the land represented on said map or plat is situate and sold lots or parcels of land with reference thereto, or that may have heretofore sold land with reference to a map or plat thereof without having recorded said map; or any person, firm or corporation that may be the successor in title of the remaining lands unsold delineated on such map or plat or of such adjoining lands thereto as were owned by the person or corporation that originally filed such plat or map or sold land with reference thereto; may have a copy of such map or plat, or a consolidation of such map or plat, filed and recorded in the office of the Register of Deeds of such county with the same force and effect as if the same had been originally filed and recorded therein, by filing and recording such copy of such map or plat, or maps or plats, either in the substantial form of such originals, or as a consolidation of all or a part of such maps or plats, after such

Copy of map or plat may be filed.

maps or plats shall have been identified and proven for recordation before the Clerk of the Superior Court of such county or some officer authorized by law to take acknowledgment of deeds, by oath of some surveyor setting forth that the same is a correct and substantially true copy of the original maps or plats theretofore recorded or referred to in deeds theretofore made with reference to such maps or plats. If the maps or plats so filed and recorded as a copy or reproduction of other maps or plats contain a consolidation in whole or in part of more than one other map, or represent thereon other lands than the lands delineated on such prior maps or plats in addition, such explanatory data shall be contained on such new map or plat, or on the margin thereof, as may clearly indicate the lots or areas of such former maps or plats; and the scale of such map shall be indicated thereon with such other explanatory data as may be deemed desirable.

SEC. 2. The Register of Deeds is hereby authorized to provide for his office a suitable book for the purpose of filing therein all maps or plats of land of such convenient dimensions as he may determine upon in which he shall permanently and securely file such maps or plats by mechanically affixing them to the pages thereof or to the binder contained therein; or he may file such maps or plats in his office in such other way or manner as in his discretion may be deemed proper; and the filing in said office of such maps as aforesaid described shall constitute a proper registration thereof in his office. The Register of Deeds shall make an examination of all the records in his office in which maps and plats are recorded and index the records of said maps or plats in the General Index of deeds in which the records of Grantors are indexed under the letter 'M' as "Maps" setting forth the book and page in which each map is recorded, and if said map is not attached to any book, the same shall be so indicated by placing the word "General" opposite the name of such map in said index. For the service here indicated, the board of commissioners may allow the Register of Deeds such sum as they may deem just.

SEC. 3. That this act shall apply only to the County of Moore.

SEC. 4. That this act shall be in force from and after its ratification.

Ratified this the 26th day of February, A.D. 1931.

Identification and proof.

Oath of surveyor.

Explanatory data.

Scale of map to be indicated.

Register of Deeds to provide suitable map book.

Indexing of maps.

Fee allowed for recording.

Applicable only to Moore County.

CHAPTER 106

AN ACT TO VALIDATE CERTAIN LEGAL SALES IN
TRANSYLVANIA COUNTY.

Preamble.

Whereas, the record of reports of sales under foreclosure sales in Deeds of Trust and Mortgages of Transylvania County are not in proper form, and proper reports of said sales under power of sale in Deeds of Trust have not been duly made.

Whereas, such sales should be now validated, now, therefore,
The General Assembly of North Carolina do enact:

Validation of
foreclosure sales
under deeds of
trust and mort-
gages in Tran-
sylvania County.

SECTION 1. That all foreclosure sales of real estate under powers of sale in Deeds of Trust or Mortgages made in Transylvania County since the year one thousand nine hundred and twenty-three and in which said sales proper records and/or reports of said sales by the Trustee, or other person making said sales, have not been properly made to the Clerk of the Court and confirmed, as provided for in Section two thousand five hundred and ninety-four of the Consolidated Statutes and other sections applying to reports of said sales, are hereby validated.

Reports not
properly made.

SEC. 2. That this act shall not apply to or effect any pending litigation.

Pending litiga-
tion unaffected.

SEC. 3. That all laws and clauses of laws in conflict with this act are hereby repealed.

Conflicting laws
repealed.

SEC. 4. That this law shall be in full force and effect from and after its ratification.

Ratified this the 27th day of February, A.D. 1931.

CHAPTER 107

AN ACT TO PROVIDE FOR TRUSTEES OF THE SPRUCE
PINE HOSPITAL LOCATED AT SPRUCE PINE,
MITCHELL COUNTY, TO FIX THE TERMS OF OFFICE
OF SAID TRUSTEES AND TO VALIDATE A RESOLU-
TION OF THE COUNTY COMMISSIONERS OF
MITCHELL COUNTY WITH RESPECT TO SAID HOS-
PITAL.

Preamble: Bond
issue for hospital
in Spruce Pine.

Whereas, there has been voted and advertised for sale by the town of Spruce Pine, Mitchell County, bonds to the amount of thirty-five thousand dollars (\$35,000.00) for building a hospital in said town under the Duke Fund (Duke Foundation); and

Whereas, the said hospital will serve the entire county of Mitchell and it is a reasonable and necessary public expense against said county to help maintain charity wards in said hospital; and

Whereas, the Board of County Commissioners by resolution, in the year one thousand nine hundred and thirty, appropriated fifteen hundred dollars (\$1500.00) a year to take care of any deficit which may occur during the first three years of the operation of said hospital, but said resolution failed to show any date on the records of said county; Now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That the resolution of the Board of County Commissioners of Mitchell County appropriating fifteen hundred dollars (\$1500.00) a year to take care of any deficit of the Spruce Pine Hospital for the first three years of its operation, be and the same is hereby in all respects validated.

SEC. 2. That the trustees of the Spruce Pine Hospital, and their terms of office, shall be as follows: John V. Cox and John W. Webb, who shall hold office until the municipal election for the town of Spruce Pine in May, one thousand nine hundred and thirty-three; S. B. Cannon and B. C. Burgess, who shall hold office until the municipal election for the town of Spruce Pine in May, one thousand nine hundred and thirty-five; and Mrs. Lucy Bailey, George W. Greene and Ed McBee, who shall hold office until the municipal election for the town of Spruce Pine in May, one thousand nine hundred and thirty-seven; all of whom shall hold office until their successors are elected and qualified. At the expiration of the terms of the said trustees their successors shall be elected for a term of two years at the regular biennial election held for the town of Spruce Pine.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 4. That this act shall be in full force and effect from and after its ratification.

Ratified this the 27th day of February, A.D. 1931.

CHAPTER 108

AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF YANCEY COUNTY TO IMPOSE THE DUTIES OF COUNTY ACCOUNTANT UPON THE REGISTER OF DEEDS OF YANCEY COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of county commissioners of Yancey County may in their discretion impose and confer the powers and duties of the county accountant upon the register of deeds, and in case such discretion is exercised, the commissioners are authorized and directed to increase the salary of said register of deeds the sum of fifty (\$50) dollars per month.

Appropriation of \$1,500 annually by Mitchell County to take care of deficit for first three years.

County appropriation validated.

Appointment of hospital trustees and terms of office.

Election of successors.

Conflicting laws repealed.

Yancey County Commissioners may impose duties of County Accountant upon Register of Deeds.

Increased compensation.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this act shall be and the same are hereby repealed.

SEC. 3. That this act shall be in force and effect from and after its ratification.

Ratified this the 27th day of February, A.D. 1931.

CHAPTER 109

AN ACT RELATING TO THE GRAND AND PETIT JURY OF CHEROKEE COUNTY.

The General Assembly of North Carolina do enact:

Provision for appointment of Jury Commission for Cherokee County.

SECTION 1. That a jury commission for Cherokee County shall be appointed by the nineteen hundred and thirty-one General Assembly of North Carolina, and biennially thereafter; in case of resignation or death, the Governor shall appoint to fill the vacancy.

Governor to fill vacancies.

SEC. 2. That on March the tenth, one thousand nine hundred and thirty-one, and biennially thereafter, the Jury Commissioners for Cherokee County shall meet and elect one of its members Chairman and another one of its members as Secretary.

Election of Chairman and Secretary.

Revision of jury lists.

SEC. 3. That said Jury Commissioners for Cherokee County at its meeting March the tenth, nineteen hundred thirty-one, and biennially thereafter shall revise the jury list for said county.

Grand and petit jury for April, 1931, term of Superior Court.

SEC. 4. That on March the tenth, nineteen hundred thirty-one, and annually thereafter, for what is known as the April term of Superior Court to be held for Cherokee County the Jury Commissioners shall cause to be drawn from the jury box, as provided by law, the names of forty qualified jurors, from which a grand jury is to be selected, whose term of office shall be one year, and the rest shall act as petit jurors for the first week.

Term of office of grand jury.

Drawing of petit juries for other terms.

SEC. 5. That for all other weeks and terms of Superior Court to be held for Cherokee County, at least ten days before the convening of court, the Jury Commissioners for Cherokee County shall cause to be drawn from the jury box the names of twenty-four men for each week of said term to serve as petit jurors.

Compensation of Commission.

SEC. 6. That the pay for the Jury Commissioners shall be three dollars each for each day's services rendered.

Personnel of first Commission.

SEC. 7. That Harve Whitaker, Andrews, North Carolina, Tom King, Ranger, North Carolina, and Bascomb Carroll, Murphy, North Carolina, be and are hereby appointed as the Jury Commission for Cherokee County.

Conflicting laws repealed.

SEC. 8. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 9. That this act shall be in force and effect on and after its ratification.

Ratified this the 27th day of February, A.D. 1931.

CHAPTER 110

AN ACT TO VALIDATE THE OFFICIAL ACTS OF A. L. LINGLE, A JUSTICE OF THE PEACE OF ROWAN COUNTY.

Whereas, A. L. Lingle, a Justice of the Peace of Rowan County, continued to perform the acts of his office without having re-qualified after the expiration of the term for which he had been appointed, Now, therefore,

Preamble.

The General Assembly of North Carolina do enact:

SECTION 1. That each and all of the official acts of the said A. L. Lingle, a Justice of the Peace, done and had by him in Gold Hill and Salisbury Townships, Rowan County, after the first Monday in December, one thousand nine hundred and twenty-eight, and before the first Monday in December, one thousand nine hundred and thirty, including all judgments rendered, probates taken, marriages performed, and any and all other acts whatsoever, be and the same are hereby in all respects validated: *Provided*, this act shall not apply to any pending litigation.

Official acts of A. L. Lingle, Justice of the Peace of Rowan County, validated.

Pending litigation unaffected.

SEC. 2. That this act shall be in full force and effect from and after its ratification.

Ratified this the 28th day of February, A.D., 1931.

CHAPTER 111

AN ACT TO AMEND CHAPTER NINETY-FIVE, PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-ONE, AND CHAPTER SIX HUNDRED AND THIRTEEN, PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-THREE, RELATING TO THE SALARY OF THE SHERIFF OF NEW HANOVER COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter ninety-five, Public-Local Laws of one thousand nine hundred and twenty-one, be and the same is hereby amended by striking out all of Section three after the word "Provided" in line ten and insert in lieu thereof the following: "Should commissions, on property (both real and personal) taxes, poll and dog taxes collected for State, County, township, school district and for other purposes, together with the costs for advertising, and all other costs levied against the tax payer and collected, exceed in any one year, the sum of ten thousand (\$10,000.00) dollars, then, and in that event, such excess shall

Ch. 95, Public-Local Laws 1921, amended.

Excess over \$10,000 in commissions for collecting taxes to be placed into New Hanover general county fund.

Advertising costs
excepted from
computation.

Ch. 613, Public-
Local Laws 1923,
amended.

Compensation of
sheriff for tax
collection.

Limit to be paid
for tax collection
is \$10,000 per
year.

"Year" de-
fined.

Conflicting laws
repealed.

Effective Janu-
ary 1, 1931.

be retained by the Auditor of New Hanover County and shall be credited to the general fund of the county, *provided* that the actual cost of advertising land sales, paid to the newspapers, shall not be included in the above mentioned amount of ten thousand dollars (\$10,000.00), but such advertising costs shall be paid by the county and all costs collected by the sheriff shall be paid to the treasurer of the county."

SEC. 2. That Chapter six hundred and thirteen, Public-Local Laws of one thousand nine hundred and twenty-three, be and the same is hereby amended by striking out all of line five in Section eight after the word "offices", all of line six and the words "for the preceding month" in line seven, and insert in lieu thereof the following "an amount equal to one-twelfth (1/12th) of the amount of the limit fixed by law for the annual allowance, on such fees as are limited, *provided* there are sufficient funds from previous settlements during the current fiscal year in the hands of the County Auditor; and the full amount of such fees as are not limited; *provided*, that when closing the books of the county at the end of each fiscal year, the County Auditor is hereby authorized, empowered and directed to leave a balance of twenty-five hundred (\$2,500.00) dollars to the credit of the Salary Fee Fund for the purpose of making payments to the sheriff for the months of July, August and September following."

SEC. 3. That nothing in this act shall be construed to authorize the payment of more than ten thousand dollars in addition to the cost of newspaper advertising of land sales, for the collection of taxes for any one year.

SEC. 4. That the year as referred to in this act shall embrace the period beginning July first and ending June thirtieth of the following year.

SEC. 5. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 6. That this act shall be in full force and effect from and after the first day of January, one thousand nine hundred and thirty-one.

Ratified this the 2nd day of March, A.D. 1931.

CHAPTER 112

AN ACT TO REQUIRE THE COUNTY TREASURER OF CURRITUCK COUNTY TO FURNISH BOND IN A SURETY COMPANY FOR ALL PUBLIC FUNDS ENTRUSTED TO THE SAID TREASURER.

The General Assembly of North Carolina do enact:

SECTION 1. That the treasurer of Currituck County be and is hereby required to furnish annually a bond to secure all public funds placed in the custody of said treasurer in a surety

Currituck County
Treasurer re-
quired to furnish
corporate surety
bond.

company licensed to do business in North Carolina, such bond to be in an amount at least ten per cent above the average daily balance of such fund so entrusted to the treasurer for each preceding year.

SEC. 2. That should the treasurer of said county fail to provide such bond, to be duly approved by the board of county commissioners of said county, then and in such event, the board of county commissioners are hereby authorized and directed to select some person or other banking institution, within or without the limits of said county, and such person or banking institution so selected as county treasurer shall make and provide a good and sufficient bond as hereinbefore provided.

SEC. 3. That the premium upon the bond so required shall be paid for as follows: one-half by the treasurer and one-half by the county, which premium shall be paid from the general fund of said county.

SEC. 4. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 5. That this act shall be in full force and effect from and after its ratification.

Ratified this the 2nd day of March, A.D. 1931.

CHAPTER 113

AN ACT AUTHORIZING THE TRANSFER OF AN UNEXPENDED BALANCE OF ONE THOUSAND NINE HUNDRED NINETY-TWO DOLLARS AND FORTY-TWO CENTS (\$1992.42) TO THE CREDIT OF HOLLY SPRINGS TOWNSHIP SPECIAL ROAD DISTRICT TO SCHOOL DISTRICT NUMBER TWO, HOLLY SPRINGS TOWNSHIP, WAKE COUNTY, NORTH CAROLINA.

Whereas, by Chapter three hundred forty-one of Public-Local Laws one thousand nine hundred twenty-nine Holly Springs Township Special Road District, in Wake County, was abolished, leaving an unexpended balance of one thousand nine hundred ninety-two dollars and forty-two cents (\$1992.42) in the hands of the Treasurer of Wake County to the credit of said Holly Springs Township Special Road District, and

Whereas, it is deemed wise that this unexpended balance be transferred to School District number two, Holly Springs Township, Wake County, North Carolina, *Now, therefore*,

The General Assembly of North Carolina do enact:

SECTION 1. That the sum of one thousand nine hundred ninety-two dollars and forty-two cents (\$1992.42) now in the hands of the Treasurer of Wake County to the credit of Holly Springs

Amount of
bond computed.

Appointment of
substitute Treasurer
in event of
failure of present
Treasurer to give
bond.

Premium on
bond prorated.

Conflicting laws
repealed.

Preamble: Unexpended balance in Holly Springs Township Special Road District, Wake County.

Balance directed to be credited to School District number two, Holly Springs Township.

Township Special Road District be and the same is hereby transferred to the School District number two, Holly Springs Township, and the Treasurer of Wake County is hereby authorized and directed to make such transfer on the books of the County and to place said sum of one thousand nine hundred ninety-two dollars and forty-two cents (\$1992.42) to the credit of School District number two, Holly Springs Township.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict herewith are hereby repealed.

SEC. 3. That this act be in full force and effect from and after its ratification.

Ratified this the 2nd day of March, A.D. 1931.

CHAPTER 114

AN ACT TO REPEAL CHAPTER TWO HUNDRED AND SIXTY-EIGHT, PUBLIC-LOCAL LAWS, ONE THOUSAND NINE HUNDRED AND TWENTY-NINE, RELATING TO THE PAYMENT OF TAXES IN GATES COUNTY.

The General Assembly of North Carolina do enact:

Ch. 268. Public-Local Laws 1929, repealed, relating to payment of taxes in Gates County.

SECTION 1. That chapter two hundred and sixty-eight of the Public-Local Laws, one thousand nine hundred and twenty-nine, be and the same is hereby repealed.

SEC. 2. That this act shall be in full force and effect from and after its ratification.

Ratified this the 2nd day of March, A.D. 1931.

CHAPTER 115

AN ACT TO AMEND CHAPTER FOUR HUNDRED SIXTY-SIX OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED TWENTY-NINE, EXEMPTING GRAHAM COUNTY FROM POOL ROOM LAW.

The General Assembly of North Carolina do enact:

Ch. 466. Public-Local Laws 1929, amended, exempting Graham County from Pool Room Law.

SECTION 1. That chapter four hundred and sixty-six Public-Local Laws of one thousand nine hundred and twenty-nine be and hereby is amended by striking out in line three, section one, the word "Graham".

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict herewith are hereby repealed.

SEC. 3. That this act shall be in effect and force on and after its ratification.

Ratified this the 2nd day of March, A.D. 1931.

CHAPTER 116

AN ACT TO PROVIDE FOR THE BETTER ENFORCEMENT OF THE PROHIBITION LAWS IN MONTGOMERY COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the sheriff, deputy sheriff or other police officer of Montgomery County, for each still captured and destroyed by him, shall be paid therefor by the commissioners of Montgomery County the sum of Five Dollars (\$5.00); that whenever the aforesaid officer shall capture any operator of a still, he shall be paid the sum of Five Dollars (\$5.00) in case of conviction, and the Judge of the Superior Court shall have authority in exercise of his sound discretion to tax said sum in the bill of cost.

Police officers allowed commissions for destroying stills and capturing still operators in Montgomery County.

Latter commission taxed in bill of cost.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this act shall be in full force and effect from and after its ratification.

Ratified this the 2nd day of March, A.D. 1931.

CHAPTER 117

AN ACT TO REPEAL CHAPTER THREE HUNDRED AND SEVEN, PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-ONE, RELATING TO THE FEES OF THE CLERK OF THE SUPERIOR COURT OF CURRITUCK COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter three hundred and seven, Public-Local Laws of one thousand nine hundred and twenty-one, be and the same is hereby repealed, and the Clerk of the Superior Court of Currituck County shall hereafter receive such fees as are now allowed by law.

Ch. 307, Public-Local Laws 1921, repealed, relating to fees of Currituck County Clerk Superior Court.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this act shall be in full force and effect from and after its ratification.

Ratified this the 2nd day of March, A.D. 1931.

CHAPTER 118

AN ACT TO AMEND CHAPTER ONE HUNDRED AND THIRTY-NINE, PUBLIC-LOCAL LAWS, EXTRA SESSION ONE THOUSAND NINE HUNDRED AND TWENTY-FOUR, RELATING TO CRIMINAL COURTS OF HARNETT COUNTY.

The General Assembly of North Carolina do enact:

Ch. 139, Public-Local Laws ex-1924, amended, regulating setting of criminal court calendars in Harnett County.

Solicitor and attorneys to be heard.

Conflicting laws repealed.

SECTION 1. That section two of chapter one hundred and thirty-nine of the Public-Local Laws, Extra Session, one thousand nine hundred and twenty-four, be and the same is hereby amended by inserting before the word "on" in line one of said section the words "or before" and by striking out the word "four" in line three of said section and inserting in lieu thereof the words "five or more". That said section be further amended by adding at the end thereof the following: "*Provided*, that before making such calendar it shall be the duty of the Clerk to notify the solicitor and the attorneys regularly practicing in said court of the day and hour when such calendar shall be made, and the solicitor or a representative named by him and any attorney practicing in said court may attend and be heard, and it shall be the duty of the clerk to calendar for trial only such causes as may be reasonably reached for trial at the approaching term."

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this act be and the same are hereby repealed.

SEC. 3. That this act shall be in full force and effect from and after its ratification.

Ratified this the 2nd day of March, A.D. 1931.

CHAPTER 119

AN ACT TO REPEAL CHAPTER EIGHTY-FOUR, PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-NINE, RELATING TO FOWLS RUNNING AT LARGE IN MITCHELL COUNTY.

The General Assembly of North Carolina do enact:

Ch. 84, Public-Local Laws 1929, repealed, relating to fowls running at large in Mitchell County.

Conflicting laws repealed.

SECTION 1. That Chapter eighty-four, Public-Local Laws of one thousand nine hundred and twenty-nine, relating to fowls running at large in Mitchell County, be the same is hereby repealed.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 3. That this act shall be in full force and effect from and after its ratification.

Ratified this the 2nd day of March, A.D. 1931.

CHAPTER 120

AN ACT TO REPEAL CHAPTER TWO OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED NINETEEN ENTITLED "AN ACT TO AMEND THE PROHIBITION LAW AND TO PROVIDE FOR THE BETTER ENFORCEMENT OF THE SAME IN BURKE COUNTY."

The General Assembly of North Carolina do enact:

SECTION 1. That chapter two of the Public-Local Laws of the Session of one thousand nine hundred and nineteen entitled "An act to amend the prohibition law and to provide for the better enforcement of the same in Burke County," be and the same is hereby repealed.

SEC. 2. That this act shall be in force and effect from and after the first day of April, one thousand nine hundred and thirty-one.

Ratified this the 2nd day of March, A.D. 1931.

Ch. 2. Public-Local Laws 1919, repealed, relating to prohibition in Burke County.

Effective April 1, 1931.

CHAPTER 121

AN ACT TO REPEAL CHAPTER TWO HUNDRED AND FIFTY-NINE, PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-NINE, RELATING TO INOCULATION OF DOGS FOR RABIES IN MITCHELL COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter two hundred and fifty-nine, Public-Local Laws of one thousand nine hundred and twenty-nine, relating to inoculation of dogs for rabies in Mitchell County, be and the same is hereby repealed.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 3. That this act shall be in full force and effect from and after its ratification.

Ratified this the 2nd day of March, A.D. 1931.

Ch. 259. Public-Local Laws 1929, repealed, relating to inoculation of dogs for rabies in Mitchell County.

Conflicting laws repealed.

CHAPTER 122

AN ACT TO REPEAL CHAPTER THREE HUNDRED AND THREE OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND SEVENTEEN ENTITLED "AN ACT TO ALLOW THE BOARD OF COMMISSIONERS FOR BURKE COUNTY TO EMPLOY SPECIAL OFFICERS".

The General Assembly of North Carolina do enact:

Ch. 303, Public-Local Laws 1917, repealed, relating to employment of special officers in Burke County.

SECTION 1. That Chapter three hundred and three of the Public-Local Laws of the Session one thousand nine hundred and seventeen entitled "An act to allow the board of commissioners for Burke County to employ special officers", be and the same is hereby repealed.

Effective April 1, 1931.

SEC. 2. That this act shall be in force and effect from and after the first day of April, one thousand nine hundred and thirty-one.

Ratified this the 2nd day of March, A.D. 1931.

CHAPTER 123

AN ACT TO PLACE THE OFFICERS OF BLADEN COUNTY ON A SALARY BASIS AND TO FIX THE SALARY OF EACH OFFICER.

The General Assembly of North Carolina do enact:

Salary of Bladen County sheriff \$3,000.

SECTION 1. That the annual salary of the sheriff of Bladen County shall be Three Thousand (\$3000) Dollars per annum, payable monthly. He shall be allowed an all-time deputy, whose salary shall be Twelve Hundred (\$1200) Dollars per annum, payable monthly.

One deputy, \$900.

In addition to said sum of Three Thousand (\$3000) Dollars, he shall be allowed the fees fixed by law for the service of process, excepting the fees now allowed by law for the levy on property in the collection of taxes.

Also fees for serving processes.

SEC. 2. The Clerk of the Superior Court. That the annual salary of the Clerk of the Superior Court shall be Two Thousand (\$2000) Dollars per annum, payable monthly. As clerk to the County Recorder's Court, he shall be allowed One Hundred (\$100) Dollars per annum, payable monthly.

Clerk Superior Court, \$2,000.

As Clerk to Recorder's Court, \$100 additional.

SEC. 3. The salary of the Register of Deeds shall be Two Thousand (\$2000) Dollars per annum, payable monthly.

Register of Deeds, \$2,000.

SEC. 4. The auditor of the county shall receive an annual salary of Twenty-One Hundred (\$2100) Dollars, payable monthly. For assistants in his office he shall be allowed not to exceed Nine Hundred (\$900) Dollars per annum, payable monthly.

Auditor, \$2,100.

Clerk, \$900.

In addition to his other duties, the auditor is to make out lists and compute the taxes. The Board of County Commissioners are authorized to allow to the Auditor not more than Two Hundred (\$200) Dollars per annum for necessary clerical help in making up the tax books.

SEC. 5. The judge of the Recorder's Court shall receive a salary of Nine Hundred (\$900) Dollars, payable monthly.

The prosecuting attorney of said court shall receive an annual salary of Nine Hundred (\$900) Dollars, payable monthly.

In each bill of costs, there shall be taxed Two (\$2.00) Dollars as a tax fee, which, when collected, shall be covered into the general fund of the county to meet, as far as it will go, the salary of the prosecuting attorney.

SEC. 6. The county commissioners shall each receive Four (\$4.00) Dollars per diem and five cents (5c) per mile in going and returning to each regular or special meeting. If, however, the general or special meeting should be adjourned from day to day, the mileage allowance shall be for one day. Four (\$4.00) Dollars per diem allowance is for each regular or special meeting of the board, when said special meetings are called, under C. S. section one thousand two hundred ninety-six. The Board of Education shall receive the same per diem and allowance.

The sheriff or jailor shall be allowed fifty cents (50c) per day for feeding prisoners in the jail.

SEC. 7. The officers, hereinbefore mentioned, shall faithfully perform all the duties of their several offices imposed upon them by law and shall receive no other compensation or allowance whatsoever for any extra additional services rendered to the county or State or other governmental agencies and they shall be liable to all the pains or penalties now or hereafter provided by law for failure to perform the duties of their several offices.

SEC. 8. The officers herein mentioned and provided for by this act shall collect all fees, commissions of every kind belonging to their several offices, except the sheriff as to process fees, shall pay over the same to the acting treasurer of Bladen County, who shall hold the same as part of the general county fund and subject to such orders as may be made by the board of commissioners of Bladen County.

SEC. 9. Each one of said officers shall, on the first day of each month, pay over to the acting treasurer of the county, all fees, commissions, etc., received by him during the previous month, except that the sheriff shall not be compelled to account for fees received by him in the service of process. This shall be accompanied by an itemized and verified statement in each instance. Each one of them shall, at the time, deliver a copy of this itemized and verified statement to the chairman of the board

For making tax lists and computing taxes. \$200 for extra help.

Recorder, \$900.

Solicitor of Recorder's Court, \$900.

Solicitor's fees to be taxed as cost.

County commissioners, \$4 per diem and mileage at 5c.

Board of Education, same.

No other compensation allowed County officers.

Failure to perform duty.

Officers required to collect and turn over to treasurer all fees, etc., collected.

Monthly accounting.

Itemized and verified statements.

Books and accounts open to inspection.

Failure to collect fees, etc., accruing to office made misdemeanor.

Conflicting laws repealed.

Effective July 1, 1931.

of county commissioners of said county and such board may at any time require said officers or any of them to exhibit to them all books and accounts, showing all moneys received and turned over to the acting treasurer, under the provisions of this act.

SEC. 10. Any one of the officers, whose salary is fixed in this act, who shall wilfully fail or refuse to collect the full fees, commissions or emoluments of any kind belonging to his office, shall be guilty of a misdemeanor.

SEC. 11. All laws and parts of laws in conflict with this act are hereby repealed.

SEC. 12. This act shall take effect from and after July first, one thousand nine hundred thirty-one.

Ratified this the 3rd day of March, A.D. 1931.

CHAPTER 124

AN ACT CREATING THE OFFICE OF TAX COLLECTOR IN DURHAM COUNTY.

The General Assembly of North Carolina do enact:

Separation of offices of Durham County Sheriff and Tax Collector.

Appointment of Tax Collector authorized.

Oath of office.

To take office July 6, 1931.

Tax Collector to be under control of County Commissioners.

Salary.

Office space, etc.

Fees and commissions go into general county fund.

Powers and liabilities of Tax Collector.

SECTION 1. That the office of the Sheriff and Tax Collector of Durham County as now existing, may be separated when and as hereinafter provided.

SEC. 2. That the board of commissioners for the County of Durham may appoint a tax collector for Durham County, who shall qualify and shall be responsible for the collection and settlement as provided by law for all taxes, whether general, special or privilege taxes. The tax collector shall take oath of office and enter upon his duties on Monday, July sixth, one thousand nine hundred thirty-one.

SEC. 3. The board of commissioners for the County of Durham shall have complete control over the tax collector and his office, with power to discharge without notice, and shall fix his salary and pay therefor out of the general funds of the County, and shall provide the necessary office space, equipment and clerical assistance and pay therefor out of the general funds of the County. The salary so established shall be the full compensation of such tax collector, and any fees or commissions allowed such sheriff or tax collector or arising to the tax collector hereunder, shall be turned over by him to the general fund of the County.

SEC. 4. That the tax collector hereunder shall have all the powers heretofore conferred, and all duties and penalties heretofore imposed by law upon the sheriff in his capacity as tax collector, and all such powers, duties and penalties are hereby transferred to said tax collector, to be exercised and performed by him.

SEC. 5. That said tax collector be required to give such bond as is now required by law of the sheriff in his capacity as tax collector, and any additional bond as the board of county commissioners for the County of Durham may require, the premium of such bonds to be paid for by the County out of its general funds.

Bond to be given.

Premium on bond.

SEC. 6. That the Sheriff of Durham County shall continue to collect and account for all taxes for the year One Thousand Nine Hundred and Thirty, as the law provides.

Sheriff to collect 1930 taxes.

SEC. 7. That the board of commissioners for the County of Durham may, in its discretion, combine the office of tax collector with any other elective or appointive office, and may, in its discretion, appoint such elective or appointive officer as tax collector, in addition to his other duties, and one such person may hold both offices.

Office of Tax Collector may be combined with another.

SEC. 8. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Conflicting laws repealed.

SEC. 9. That this act shall be in force and effect from and after its ratification, except as otherwise specified in this act.

Ratified this the 3rd day of March, A.D. 1931.

CHAPTER 125

AN ACT TO REPEAL CHAPTER EIGHTY-SEVEN OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-NINE, ABOLISHING THE SALARY OF THE CLERK TO THE RECORDER'S COURT OF FRANKLIN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter eighty-seven of the Public-Local Laws of nineteen hundred and twenty-nine is hereby repealed.

Ch. 87, Public-Local Laws 1929. repealed.

SEC. 2. That from and after March first, nineteen hundred and thirty-one the clerk of the Superior Court of Franklin County shall be ex-officio clerk of the Recorder's Court of Franklin County and shall serve in such capacity without additional salary or compensation other than that now paid him as clerk of the Superior Court of Franklin County.

No additional salary of Franklin County Clerk Superior Court for acting as Clerk of Recorder's Court.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Conflicting laws repealed.

SEC. 4. That this act shall be in full force and effect from and after March first, nineteen hundred and thirty-one.

Effective March 1, 1931.

Ratified this the 3rd day of March, A.D. 1931.

CHAPTER 126

AN ACT TO PROTECT WILD WATERFOWL IN THE WATERS ADJACENT TO THE TOWN OF WRIGHTSVILLE BEACH.

The General Assembly of North Carolina do enact:

Hunting of wild waterfowl near Wrightsville Beach in New Hanover County prohibited.

Closed territory.

SECTION 1. That it shall be unlawful to hunt, trap, shoot or otherwise kill, wild ducks, cranes, geese, gulls, marshhens or other wild waterfowl, in that portion of New Hanover County, which is embraced within that territory which is bounded on the East by the Western corporate limits of the Town of Wrightsville Beach, on the West by the Western boundary of the Beaufort-Cape Fear River Inland Waterway, on the North by a line extended Westwardly from the center line of Moore's or Wrightsville Inlet, and at right angles to the Atlantic Ocean, to said boundary of said Waterway, and on the South by a line extending Westwardly from the center line of Masonboro Inlet, and at right angles to said Atlantic Ocean, to said boundary line of said Waterway.

Violation made misdemeanor.

SEC. 2. That any person, firm or corporation violating the provisions of this Act shall be fined not more than Fifty Dollars or imprisoned not more than thirty days.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this Act be, and the same are hereby repealed.

SEC. 4. That this Act shall be in force and effect from and after its ratification.

Ratified this the 3rd day of March, A.D. 1931.

CHAPTER 127

AN ACT TO REQUIRE QUARTERLY ITEMIZED STATEMENTS OF FISCAL AFFAIRS BY THE CLERK OF THE SUPERIOR COURT AND THE REGISTER OF DEEDS OF HYDE COUNTY.

The General Assembly of North Carolina do enact:

Hyde County Clerk Superior Court required to file sworn reports for certain years.

SECTION 1. That the Clerk of the Superior Court of Hyde County is hereby directed and required within sixty days from the passage of this act to file with the Board of County Commissioners of said county an annual sworn report of all fees, commissions, or other public funds received or collected by him for the years one thousand nine hundred and twenty-eight and one thousand nine hundred and thirty, and for all other years for which reports have not been filed and accepted.

SEC. 2. That the Clerk of the Superior Court and the Register of Deeds for Hyde County are hereby directed and required to make quarterly sworn reports of the fiscal affairs of their respective offices beginning the first Monday in June, one thousand nine hundred and thirty-one, and every three months thereafter, the first report, however, to be for the period from December first, one thousand nine hundred and thirty, to June first, one thousand nine hundred and thirty-one, and to file an itemized, verified statement showing the amount of all fees, commissions or other public funds received or collected by him during the preceding month, the date and source of the same, together with a statement so itemized and verified showing disposition made by said officer of said fees, commissions or other public funds received or collected by him, the date, to whom, and the purpose for which, said funds were so paid out or disbursed by said officer during said preceding quarter. The said statement shall also set forth the amount of such fees, commissions or other funds in the hands of the said officer at the end of said quarter, and the statement shall be a public record, a copy posted at the court house door and the original filed and preserved by the Register of Deeds of said county: *Provided*, an annual report in addition to the quarterly report shall be filed at the beginning of each year: *Provided further*, that it shall be the duty of the County Commissioners to see that said reports are filed.

SEC. 3. That any Clerk of the Superior Court or Register of Deeds of Hyde County, failing to file the above required reports within ten days of the date specified, shall be guilty of a misdemeanor and subject to a fine in the discretion of the court.

SEC. 4. All laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 5. This act shall be in full force and effect from and after its ratification.

Ratified this the 3rd day of March, A.D. 1931.

CHAPTER 128

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS FOR THE COUNTY OF DURHAM TO PROVIDE ADDITIONAL DEPUTIES IN THE OFFICE OF THE SHERIFF OF DURHAM COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Commissioners for the County of Durham is hereby authorized and empowered to provide such additional deputies and clerks in the office of the Sheriff of Durham County as said board of commissioners may deem necessary.

Clerk and Register of Deeds required to make quarterly sworn reports.

Period covered by first report.

Contents of report.

Publication of report.

Annual report also required.

Failure to file reports made misdemeanor.

Conflicting laws repealed.

Additional clerks and deputies for Durham County Sheriff provided.

Term of office
and compensa-
tion.

SEC. 2. That the board of commissioners for the County of Durham shall have authority to fix the term of office of additional deputies and clerks, and fix their compensation.

Conflicting laws
repealed.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 4. That this act shall be in force and effect from and after its ratification.

Ratified this the 3rd day of March, A.D. 1931.

CHAPTER 129

AN ACT TO REPEAL CHAPTER FIFTY-THREE, PUBLIC-LOCAL LAWS, ONE THOUSAND NINE HUNDRED TWENTY-NINE, AND TO CREATE THE OFFICE OF TREASURER FOR THE COUNTY OF GASTON.

The General Assembly of North Carolina do enact:

Ch. 53, Public-
Local Laws 1929,
repealed.

SECTION 1. That chapter fifty-three, Public-Local Laws, one thousand nine hundred and twenty-nine, be and the same is hereby repealed.

Creation of office
of Gaston County
Treasurer.

SEC. 2. That the office of treasurer for the county of Gaston is hereby created and the board of county commissioners of said county shall on the first Monday in April, one thousand nine hundred and thirty-one, appoint a treasurer for the county of Gaston to serve until the first Monday in December, one thousand nine hundred and thirty-two. At the next general election to be held in November, one thousand nine hundred and thirty-two, and biennially thereafter, there shall be elected in the same manner as other county officers, a treasurer for Gaston County, who shall serve for a term of two years.

Interim appoint-
ment of Treas-
urer.

Biennial election
of Treasurer.

Term of office.
Fixing of salary.

SEC. 3. That the board of county commissioners of the county of Gaston be and it is hereby authorized and empowered, in its discretion, to fix the salary of the treasurer of said county in such an amount as it shall deem to be adequate and just, said salary, however, shall not be less than fifteen hundred dollars (\$1,500.00) nor more than eighteen hundred dollars (\$1,800.00) per annum.

Minimum and
maximum.

Duties of Treas-
urer.

SEC. 4. That the duties of said office of county treasurer shall be governed by the provisions of chapter twenty-six of the Consolidated Statutes and the amendments thereto.

Conflicting laws
repealed.

SEC. 5. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Effective April
1, 1931.

SEC. 6. That this act shall be in full force and effect from and after the first day of April, one thousand nine hundred and thirty-one.

Ratified this the 3rd day of March, A.D. 1931.

CHAPTER 130

AN ACT TO ALLOW THE COUNTY COMMISSIONERS OF HAYWOOD COUNTY TO AID IN REOPENING THE CITIZENS BANK AND TRUST COMPANY.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of County Commissioners and the Board of Education of Haywood County be, and they are hereby fully authorized and empowered to make and enter into a contract with the Citizens Bank and Trust Company, its directors and stockholders, to freeze, or not demand, the public funds or school funds of Haywood County now on deposit in said bank for a like period of time and under the same conditions that other depositors may agree to, which depositors' agreement shall be approved by the Corporation Commission of North Carolina.

Haywood County authorized to aid in re-opening Citizens Bank and Trust Company by freezing deposits.

Approval of Corporation Commission.

SEC. 2. That nothing in this act shall in any way impair any bonds, collateral papers, notes or other securities held by Haywood County, or any officer thereof or other person for said county, to secure the deposits of said county in said bank.

Collateral not to be impaired.

SEC. 3. That the County Commissioners of Haywood County be, and they are hereby, authorized and empowered to collect all notes or other securities held by them, or any person for them, for the purpose of securing the deposits of said county in said bank and apply the proceeds derived from the collection in repayment to said county of the amount due it on the deposits of said county in said bank up to the full amount for which said security was put up to secure, and no further.

Collection of security and application of proceeds to deposits.

SEC. 4. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Conflicting laws repealed.

SEC. 5. That this act shall be in full force and effect from and after its ratification.

Ratified this the 3rd day of March, A.D. 1931.

CHAPTER 131

AN ACT TO ABOLISH THE SALARY FUND IN DURHAM COUNTY AND TO PROVIDE FOR THE APPLICATION AND DISPOSITION OF ALL FEES, COMMISSIONS, PROFITS AND EMOLUMENTS COLLECTED BY THE VARIOUS COUNTY OFFICERS AND THEIR DEPUTIES.

The General Assembly of North Carolina do enact:

SECTION 1. That the salary fund provided for in Section fifteen, Chapter five hundred three, Public Laws of one thousand nine hundred nine be, and the same is hereby abolished. That all fees, commissions, profits and emoluments collected by the

Ch. 503, Public Laws 1909, amended, abolishing Durham County salary fund.

All fees, etc., to be turned into general county fund.

Salaries to be paid out of general county fund.

Also bond premiums.

Conflicting laws repealed.

sheriff, clerk of the Superior Court, register of deeds and treasurer, and their deputies, shall be paid by them to the treasurer of Durham County who shall deposit the same into the general county fund.

SEC. 2. That the salaries of all of said officers and their deputies shall be paid out of said general county fund. That all premiums on official bonds paid by Durham County shall likewise be paid out of said fund.

SEC. 3. That all laws and parts of laws in conflict herewith are hereby repealed.

SEC. 4. That this act shall be in full force and effect from and after its ratification.

Ratified this the 3rd day of March, A.D. 1931.

CHAPTER 132

AN ACT TO AUTHORIZE THE ESTABLISHMENT OF MUNICIPAL RECORDERS' COURTS IN MOORE COUNTY.

The General Assembly of North Carolina do enact:

Recorder's Courts authorized for municipalities in Moore County of over 2,500.

SECTION 1. In each city and town in Moore County, North Carolina, which has acquired a population of two thousand five hundred or over by the last Federal census, a recorder's court for such municipality may be established, which shall be a court of record and shall be established and maintained pursuant to the provisions of Chapter twenty-seven, Sub-Chapter four, Article eighteen, of the Consolidated Statutes of the State of North Carolina, as herein modified.

Method of establishment.

SEC. 2. Such municipal recorder's court shall be established by a resolution duly passed by the governing body of any city or town entitled to the same, as set forth in this act: and the said governing body shall thereafter forthwith elect a recorder and a prosecuting attorney therefor, whose qualifications shall be those required by the general law governing municipal recorders' courts, and shall fix the salary of each, which shall not be decreased during the term of office for which he was elected, and which shall be paid out of the funds of the said municipality. The town clerk, ex-officio, shall be the clerk of such recorder's court, and shall receive for his services as such clerk the fees prescribed by the general law governing municipal recorders' courts; *Provided, however:* That if the governing body of such city or town shall decide to pay to the said town clerk a fixed salary for his services as clerk of such municipal recorder's court, all such clerk's fees shall in that case be paid into the treasury of the said city or town.

Election of officers.

Salaries.

Town clerk to act as Court Clerk.

May receive fees or salary.

SEC. 3. Upon its establishment by resolution of the governing body of any city or town in Moore County by this act entitled to such municipal recorder's court, and upon the election of its officers by the said governing body, as hereinabove set forth, such municipal recorder's court shall forthwith begin to function. But at the next regular city or town election following the establishment of such municipal recorder's court, the question of its continuance or abolishment shall be submitted to the voters of the said city or town in the manner prescribed by Article twenty-three of Sub-Chapter four, Chapter twenty-seven, of the Consolidated Statutes. If the majority of votes cast at such election is declared to be in favor of the said court, the same shall be continued; but not otherwise. If the said municipal recorder's court shall be continued as a result of such election, the officers thereof, elected by the governing body of the said city or town at the establishment of the said court, shall continue to hold their said offices until after the next following city or town election: but at such next following regular city or town election, the recorder, prosecuting attorney and other officers of the said court, excepting the clerk, shall be nominated and elected together with the other elective officers of the said city or town. The original officers shall continue to hold office until their elected successors shall have qualified.

Continuance or abolishment to be submitted to voters at subsequent municipal election.

Election of Court officers.

SEC. 4. All costs taxed and collected in such municipal recorder's court for the recorder thereof, and for the prosecuting attorney, shall be paid into the treasury of the municipality establishing the said court, as shall all other lawful costs collected; except the clerk's costs, and costs belonging to other magistrates, and fees payable to officers not employed by the said municipality for serving process issued by the said court. *Providing*: That if the clerk of said court shall be paid a fixed salary, as hereinabove authorized, his costs also shall be the property of the municipality. All such fees and costs shall be held in a special account in the treasury of such municipality, and shall be used to defray the expenses of such municipal recorder's court.

Court costs collected to go into municipal treasury.

Exception.

Fees and costs to defray expenses of Court.

SEC. 5. Defendants awaiting trial before such municipal recorder's court shall, if unable to furnish satisfactory bond, be confined in the jail, or lock-up, or calaboose, provided by the said city or town establishing such court. And in addition to all other lawful costs, such prisoners shall, in case they shall plead guilty or be convicted by the said court, be taxed with jail-costs of One Dollar for each day or fraction thereof during which they are confined in such jail, or lock-up, or calaboose: and they shall also be taxed with the actual cost of all meals provided during such confinement, to an amount not to exceed Fifty Cents for each meal so provided by the said city or

Jails provided.

Jail costs to be taxed at \$1 per day.

Sentencing of prisoners to jail or roads.

Fine and penalties to go to school fund.

town. Defendants found guilty by such municipal recorder's court may be sentenced to the common jail of Moore County, or to work upon the roads of the said county, or of other counties, as provided in Sections one thousand five hundred forty-five and one thousand five hundred eighty-six of the Consolidated Statutes. All fines and penalties imposed and collected by such court shall be the property of the county school fund, as set forth in the general law.

SEC. 6. This act shall be in force from and after its ratification.

Ratified this the 3rd day March, A.D. 1931.

CHAPTER 133

AN ACT TO AMEND CHAPTER THREE HUNDRED AND FIFTY-EIGHT OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-SEVEN RELATIVE TO THE ENFORCEMENT OF THE TURLINGTON ACT IN FRANKLIN COUNTY.

The General Assembly of North Carolina do enact:

Ch. 358, Public-Local Laws 1927, amended.

Fees of police officers for capturing materials used in manufacture of liquor in Franklin County.

Must have receipt from County Commissioners or their agent.

Conflicting laws repealed.

SECTION 1. Amend Chapter three hundred and fifty-eight of the Public-Local Laws of nineteen hundred and twenty-seven by placing a "semi-colon" after the word Franklin County and before the word "Provided" in line eight of Section one and inserting therein the following: "*Provided*, that the sheriff or any other duly authorized officer of said county shall, before receiving any compensation provided hereunder, deliver to the Board of County Commissioners of Franklin County all materials including meal, sugar, malt and other materials of all kinds and descriptions by them captured or seized at said distillery, and said officer before being paid as provided hereunder shall have a written receipt for said materials so delivered from said County Commissioners or their duly authorized representative, said County Commissioners to use said captured materials at the County Home or other places designated by them."

SEC. 2. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 3. That this act shall be in force and effect from and after its ratification.

Ratified this the 3rd day March, A.D. 1931.

CHAPTER 134

AN ACT TO AUTHORIZE THE COMMISSIONERS OF CARTERET COUNTY TO APPOINT A TAX COLLECTOR, FIX HIS COMPENSATION AND TO FIX THE SALARY OF THE SHERIFF OF CARTERET COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the commissioners of Carteret County are hereby authorized and empowered to appoint a tax collector for said county, whose term of office shall be two years from April first, nineteen hundred and thirty-one: *Provided, however,* that the said commissioners for cause shall have power and authority to remove from office the said tax collector at any time upon thirty days notice. The appointment thereafter shall be made biennially at the regular meeting of the Board of Commissioners on the first Monday of March unless before the expiration of the regular term of appointment the commissioners for cause should remove said tax collector, in which case his successor shall be appointed not later than the next regular meeting of the Board after such removal: *Provided, further,* that nothing in this act shall in any manner abridge the powers, duties, and liabilities of the present tax collector (ex-sheriff) as to the taxes and tax list now in his hands for collection, or the term to which, under the law, he is now entitled to retain said tax list, or his compensation therefor.

SEC. 2. That said tax collector, before entering upon the duties of his office, shall take and subscribe the oath now required by law for public officials of the county, and shall give bond, acceptable to said Board, in a sum at least equal to the bond now required to be given by the tax collector of said county and conditioned as now required by law. Upon his appointment, all the powers, duties, and liabilities now pertaining to the sheriff of said county as tax collector with reference to the collection, custody, and disposition of the taxes, including distraint, advertisement, sale, and execution of tax certificates, and in all other respects pertaining to such matters and things as now required by law and ordinarily done by the sheriff as tax collector in the performance of his duties, shall be conferred upon, given to, and required by said tax collector: *Provided, however,* that said tax collector shall be required, and such requirement shall be made one of the conditions of the bond to be given, to file with the County Auditor or County Accountant weekly his report showing taxes collected by him and his several assistants or deputies, and shall pay over to said County Auditor or Accountant weekly and at the time of said report all such taxes so collected: *Provided, further,* that in the discretion of the Board of Commissioners of said county the tax

Tax Collector for Carteret County authorized.
Term of office.

Removal by Commissioners.

Biennial appointment.

Collection of 1930 taxes unaffected.

Oath of office.

Bond.

Powers and liabilities.

Weekly reports to be furnished.

Weekly settlements.

Accounting methods.

collector may be required to use such form of tax receipt and such manner and method of accounting as may be prescribed under appropriate resolutions by said Board.

Compensation. 2 per cent of taxes turned over.

SEC. 3. For compensation for such services said tax collector shall be allowed and paid a commission of two per cent on all taxes actually collected by him, or under his supervision, and accounted for and paid over to said county, and which commission shall be in lieu of all other compensations for such services:

Additional compensation allowed for foreclosure of outstanding tax certificates.

Provided, however, that for the enforcement of payment of taxes now evidenced by outstanding tax certificates which may come into his possession for collection said tax collector shall be allowed whatever fees or compensation which may be agreed upon and authorized by the Board of Commissioners of said county at the time such certificates are placed with him for collection or enforcement of payment; and *Provided, further,* that this restriction or limitation shall not prohibit the court from allowing reasonable attorney's fees for suits brought in the Superior Court for the enforcement or payment of delinquent tax items as now provided by law.

Reasonable attorney's fees also allowed.

Foreclosure of tax certificates extended to April 1, 1933.

SEC. 4. That for the collection of all outstanding tax certificates, whether now in the possession of Carteret County or in the possession of purchasers for values, the time for the institution of suits for such collection is hereby extended to April first, nineteen hundred and thirty-three, and that notwithstanding any general or special act or acts heretofore passed to the contrary.

Salary of Sheriff \$2,500, effective December 1, 1931.

SEC. 5. The sheriff of Carteret County shall be paid a salary of twenty-five hundred dollars per annum, payable monthly, effective as of December first, nineteen hundred and thirty; and in addition thereto he shall have his usual fees now prescribed by law, or which may hereafter be prescribed, for the services of his processes and writs generally, excepting, however, such processes or writs directed to him by or on behalf of said county, or where otherwise said county would be required to pay fees for such services.

Also allowed usual fees except those chargeable against County.

Conflicting laws repealed.

SEC. 6. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 7. That this act shall be in full force and effect from and after its ratification.

Ratified this the 3rd day of March, A.D. 1931.

CHAPTER 135

AN ACT TO PROVIDE FOR THE COLLECTION OF TAXES
IN THE CITY OF CHARLOTTE AND COUNTY OF
MECKLENBURG.

The General Assembly of North Carolina do enact:

SECTION 1. That in order to avoid duplication of work, save expenses, and afford convenience to the tax-payers, the territory within the limits of the city of Charlotte is hereby created as a tax collection district for both city taxes and county taxes as herein provided. That for the year one thousand nine hundred and thirty-one and subsequent years only one tax return by each tax-payer, one set of tax books, one set of tax receipt books, and one set of any other necessary records in connection with the listing and collection of taxes, shall be required for both the city of Charlotte and the county of Mecklenburg, with respect to the property located within the limits of the city of Charlotte, as the same now exist or may be hereafter extended, and subject to an ad valorem tax, as now or hereafter provided by law, instead of separate tax records for said county and city, as heretofore. Nothing herein contained shall be construed to prohibit the making of copies of any or all of said tax records, if deemed best by the proper authorities.

SEC. 2. That the office of City-County Tax Collector is hereby created for the purpose of collecting the taxes of the city of Charlotte and the property taxes of and for the county of Mecklenburg, upon property located within the limits of said city, and subject to an ad valorem tax, as provided by law. The said City-County Tax Collector shall also collect all license taxes, due or to become due the city and/or the county, for which business, trades and professions, conducted within the limits of said city may be liable. The said City-County Tax Collector shall be elected by the joint vote of the city council or other governing body of the city of Charlotte and the Board of Commissioners for the county of Mecklenburg. His term of office shall be for two years from the date of his election and until his successor is elected and qualified. The said governing body of the city and the said board of county commissioners shall on or before the first Monday in the month of September, one thousand nine hundred and thirty-one, and every two years thereafter, elect such tax collector in the manner specified. In the election of such tax collector the board of county commissioners shall have five votes and the city council or other governing body of said city shall have five votes, irrespective of the number of the members of which said city governing body may be composed at the time of any such election, the voting strength of each member to be represented by the quotient obtained by

Single tax listing and collection authorized for Charlotte and Mecklenburg County.

Effective with 1931 taxes.

Copies of tax records may be made.

Office of City-County Tax Collector created.
Duties.

Method of selection by City and County authorities.

Term of office.

Biennial election.

Method of selecting.

Clerk of Superior Court to break tie. dividing five by the then number of members of the city governing body. In case of a tie upon the question of the election of said City-County Tax Collector, or upon any other question left to the joint action of the said county and city governing bodies, it shall be the duty of such governing bodies to notify the then clerk of the Superior Court of Mecklenburg County of such tie, and it shall be the duty of the then said clerk upon such notice to present himself at the joint meeting of said body, or at an adjourned meeting, and cast the deciding vote.

Duties. SEC. 3. That the City-County Tax Collector shall collect the taxes due, or to become due, the city of Charlotte, and the taxes due, or to become due, the county of Mecklenburg, upon property located within the limits of the city of Charlotte and subject to taxes for the year one thousand nine hundred and thirty-one, and thereafter. That before entering upon the performance of his duties, the said City-County Tax Collector shall take the oath of office, as required of tax collectors, and such other oaths, if any, as may be required by law. He shall give bond to the city of Charlotte, and he shall give a separate bond to Mecklenburg County, the bond to the city of Charlotte to be approved by the city governing body, and the bond to the county of Mecklenburg to be approved by the board of county commissioners, the said bonds in all respects to be as now or hereafter required by law for the collection, remittance and settlement of taxes and the proper performance of duties.

Oath of office.
Separate bond to City and County.

Power and authority according to general law. SEC. 4. That said City-County Tax Collector, in the collection of taxes, shall have all the power and authority now or hereafter conferred by law upon the City Tax Collector of said city, and upon sheriffs or other tax collectors for the collection of taxes, as now or hereafter provided by law.

Assistants and clerks to be furnished. SEC. 5. That the said City-County Tax Collector shall be given such assistants and clerks as the city governing body and the board of county commissioners may, in their joint judgment, determine reasonable and necessary. The compensation of the said tax collector, his assistants and clerks, shall be fixed by the joint action of the said governing bodies; but the total compensation of said tax collector, his assistants and clerks, whether based upon salary or commission, shall not exceed a commission of one-half of one per cent upon the total amount of taxes collected by and through said tax collection office, plus the reasonable, usual and ordinary expenses thereof.

Compensation to be fixed.

Not to exceed $\frac{1}{2}$ per cent on all taxes collected, plus expenses.

Prorate distribution of taxes to City and County. SEC. 6. The property taxes collected through and by said tax collector, his assistants and clerks, shall, subject to proper adjustments on account of poll taxes, rebates, penalties, or other items not the subject of proportionate division between the county and city, be divided between the city of Charlotte and the county of Mecklenburg in the proportion that the city tax

rate bears to the county tax rate; and nothing herein contained shall interfere with the amount of tax levied by the city or county, as otherwise provided by law. The said tax collector shall on each business day report and pay to the treasurer of the city of Charlotte its portion of the taxes collected by him, his assistants and clerks, on the previous business day; and shall on each business day likewise report and pay to the treasurer of Mecklenburg County its portion of the taxes collected through and by said office on the previous business day. The said tax collector shall be subject to all pains and penalties, and shall be required to perform all duties as now or hereafter imposed by law upon sheriffs or other tax collectors with respect to the collection and remittance of taxes to the proper authorities; and it shall be his duty to be active in collecting all taxes which are collectible.

Daily settlements with City and County.

Subject to usual pains and penalties.

SEC. 7. That the costs and expenses of listing taxes, making out the tax books, and the tax receipt books, and other work incidental thereto, and the costs and expenses of books, records, blanks, supplies, and all other incidental expenses, shall be borne by the city and county in the proportion that the total amount of taxes received by the city bears to the total amount received by the county through and by the tax office hereby created. It shall be the duty of said City-County Tax Collector to collect license taxes, penalties, and poll taxes due, or to become due, the city and also to collect license taxes, poll taxes and penalties upon property and polls within the city limits, due or to become due Mecklenburg County. That if in the joint judgment of the said city and county governing bodies, economies may be effected by the collection of street assessments and other items in which the county has no interest, and by the collection through said office of drainage assessments and other items in which the city has no interest, then, in that event, a fair and reasonable adjustment shall be made in the division of the expenses thereof between the county and the city. The office of said tax collector shall be in the city hall of Charlotte or the Mecklenburg County Court House, as may be designated by the joint action of the city and county governing bodies.

Costs and expenses to be borne by City and County proportionately.

Basis of computation.

Certain adjustments to be made.

Location of office.

SEC. 8. One of the objects of this act is to do away with the duplication in placing property upon the tax books and collecting the city and county taxes upon property within the limits of the city of Charlotte and subject to taxes; and this act shall be liberally construed to this end; and the governing body of the city of Charlotte and the board of county commissioners of Mecklenburg County are hereby authorized and empowered to adopt, by joint action, all such forms, methods, rules and regulations not inconsistent with the provisions of

Act to be liberally construed.

Rules and regulations.

this act, as in their joint judgment may be necessary to effect the objects and purposes in this act set forth.

Taxes may be paid in two installments.

SEC. 9. That the tax-payers shall have the right to pay their taxes in two installments. The discounts and penalties for the payment of taxes, as otherwise provided by law, shall apply to the taxes payable to the tax office hereby created.

Present Tax Collectors for Districts One and Three to continue to collect taxes for 1931 and 1932.

SEC. 10. That the present tax collectors for Tax Collection Districts Numbers One and Three, of and for Mecklenburg County, as now provided by law, and their duly elected successors in office, shall collect the taxes for the years one thousand nine hundred and thirty-one and one thousand nine hundred and thirty-two in their respective districts, as now constituted; and the tax collector for District Number Three shall for the years one thousand nine hundred and thirty-one and one thousand nine hundred and thirty-two collect taxes in that portion of Charlotte Township which lies outside of the limits of the city of Charlotte. That said duly elected tax collectors for Districts One and Three, namely Frank G. Barnett and E. J. Price, shall receive as their compensation for the collection of taxes in their respective districts the sum of Three Thousand Dollars each for each of the years one thousand nine hundred and thirty-one and one thousand nine hundred and thirty-two, payable monthly, said salaries shall be in lieu of all other compensation for collection of taxes; and the said tax collectors shall give bond for the faithful performance of their duties and the accounting for taxes collected by them, as now or hereafter provided by law, said bond to be filed with the board of county commissioners: *Provided, however,* that stamps, office supplies and premiums on tax bonds shall be paid by the county out of the general fund; *Provided, further,* that the said tax collectors for Districts Number One and Three shall, on the first Monday in December, one thousand nine hundred and thirty-two, or as soon thereafter as the board of county commissioners may require, settle with the county commissioners for all taxes collected to that date, and the tax books upon that date shall be turned over to the tax collector of Mecklenburg County, as hereinafter provided for, and said tax collector shall collect the balance of the taxes due or to become due by the tax-payers in the said Districts Numbers One and Three.

Compensation \$3,000 each.

Bonds.

Expenses allowed.

Settlement in December, 1932.

Tax Collector for Mecklenburg County authorized.

Nomination and election.

Term of office.

SEC. 11. That there is hereby created the office of Tax Collector of Mecklenburg County, which said tax collector shall be nominated and elected as now provided for the election of Members of the General Assembly, and shall be a resident of the county of Mecklenburg outside of the city of Charlotte, who shall be nominated and elected in the year one thousand nine hundred and thirty-two, and take office and collect taxes for a term of two years from the first day of December, one thousand

nine hundred and thirty-two, and collect taxes for the year one thousand nine hundred and thirty-three, and until his successor shall be elected and qualified, as provided by law, except in the case of his death, resignation or removal, in which event, the county commissioners shall appoint his successor until the next county election and the election of his successor. That said Tax Collector for Mecklenburg County shall receive for his compensation the sum of one per cent of the total amount of all taxes collected, plus costs of stamps, office supplies and premiums on tax bonds, which compensation shall be in lieu of all other compensation, and he shall receive the same commission for the collection of all special assessments and special taxes collected, and shall collect, account for, pay over, and settle all county, local, special, license taxes, special assessments and State taxes, if any, under and by virtue of the law prescribed for the collection and settlement of taxes by sheriffs or other tax collectors; and before entering upon the discharge of his duties he shall execute and file with the board of county commissioners of said county such tax bonds as are now or may be prescribed by law; and shall take and prescribe the oath of office provided by law for tax collectors. It is hereby expressly provided and required that the said tax collector shall collect county license taxes, as provided by law, upon business, trades and professions conducted and maintained outside of the limits of the city of Charlotte. All such taxes upon business, trades and professions within the city of Charlotte shall be collected by the said City-County Tax Collector: *Provided, however*, that should the taxes be so reduced by the taking over by the State of the county roads and the six months school term, as to make the compensation of one per cent upon the amount of taxes collected inadequate, then the Board of Commissioners of Mecklenburg County shall fix a reasonable compensation for said tax collector, which compensation shall not exceed four thousand dollars per annum, the cost of his office supplies, stamps and bond premiums.

SEC. 12. That in the event the said Frank G. Barnett and E. J. Price, the duly elected tax collectors for the Tax Collection Districts Numbers One and Three, shall fail to enter upon their duties for the collection of taxes, hereinbefore prescribed, or in the event of their death, resignation or removal, the board of county commissioners shall have the power to fill their places so made vacant for the remainder of their term, namely the years one thousand nine hundred and thirty-one and one thousand nine hundred and thirty-two. That the sheriff of Mecklenburg County is hereby relieved from the collection of taxes for the year one thousand nine hundred and thirty-one and the years subsequent thereto.

Vacancy appointment.

Compensation 1 per cent of taxes collected, plus expenses.

Special compensation.

Bonds.

Oath of office.

Duty to collect license taxes.

Reasonable compensation provided for, not to exceed \$4,000 per annum.

Vacancy appointments in Districts One and Three.

Sheriff relieved of collecting taxes.

Rights and powers of tax collectors.
Conflicting laws repealed.

SEC. 13. That said tax collectors are hereby invested with all the rights and powers prescribed by law for collecting taxes; and all laws and clauses of laws in conflict or inconsistent with this act are hereby repealed.

SEC. 14. That this act shall take effect from and after the day of its ratification.

Ratified this the 3rd day of March, A.D. 1931.

CHAPTER 136

AN ACT TO REQUIRE THE JUDGE AND PROSECUTING ATTORNEY OF THE COUNTY COURT OF DUPLIN TO BE ELECTED BY THE PEOPLE.

The General Assembly of North Carolina do enact:

Term of office of judge and solicitor of Duplin County Court; election of.

SECTION 1. That the term of office of the judge and prosecuting attorney of the county court of Duplin County shall be for two years and candidates for such positions shall be selected at the State-wide primary held in one thousand nine hundred and thirty-two, and from the candidates so selected, a judge and prosecuting attorney shall be elected at the general election in one thousand nine hundred and thirty-two.

Commencement of term of office in December, 1932.

SEC. 2. That the term of office of said judge and prosecuting attorney shall commence on the first Monday in December, one thousand nine hundred and thirty-two, and the present incumbents of the office shall hold the offices until their successors are thus elected and qualify.

Salary of judge, \$1,500; of solicitor, \$1,200.

SEC. 3. The salary of said judge shall be fifteen hundred dollars per annum, payable monthly. The salary of the prosecuting attorney shall be twelve hundred dollars per annum, payable monthly.

Salaries to apply to present officers.

This schedule of salaries shall apply to existing officers commencing March first, one thousand nine hundred and thirty-one.

SEC. 4. This act shall take effect, except as stated in section two, from and after its ratification.

Ratified this the 4th day of March, A. D., 1931.

CHAPTER 137

AN ACT TO PROTECT THE PUBLIC FROM FALSE ADVERTISEMENT AND FRAUDULENT SALES.

The General Assembly of North Carolina do enact:

Requirements to be met before offering at public sale any stocks of insolvents or fire damaged goods.

SECTION 1. When any person, firm or corporation shall purchase any stock, or part of stock of goods, wares and merchandise at a sale made by a Trustee in Bankruptcy, or at a sale made pursuant to an assignment for the benefit of creditors,

or at a sale made by any insurance company, or insurance company adjuster, and shall offer the same for re-sale to the general public, either privately or at public auction, and shall advertise, represent or promote such re-sale as a bankrupt, insolvent, re-organization, closing out, or fire damage sale, every such person, firm or corporation before offering to the public such goods, wares and merchandise, or any part thereof, shall first file with the clerk of the Superior Court of the county where such sale is to be conducted and carried on, a full, complete and detailed itemized inventory of such stock of goods, wares and merchandise proposed to be sold, which said inventory shall be verified under oath by the true owner thereof, and it shall be unlawful for any person, firm or corporation to commingle with, or replenish, or add to such stock of goods, wares and merchandise from any source whatsoever and to advertise or sell the same as a part of said bankrupt, insolvent or fire damaged merchandise.

Itemized statement under oath to be filed with Clerk of Court.

Unlawful to replenish stock from any other source.

SEC. 2. Nothing herein shall be construed as relieving any such person, firm or corporation from securing and paying any license or privilege tax imposed by any municipality wherein said sale is conducted.

Not relieved of paying usual taxes.

SEC. 3. If any person, firm or corporation shall violate any of the provisions of this act they shall upon conviction be fined or imprisoned in the discretion of the court.

Violation of Act made misdemeanor.

SEC. 4. All laws and clauses of laws in conflict with this act are hereby repealed, and this act shall apply only to Durham, Forsyth, and Iredell Counties.

Conflicting laws repealed; applicable only to Durham, Forsyth and Iredell Counties.

SEC. 5. This act shall be in force from and after its ratification.

Ratified this the 4th day of March, A.D., 1931.

CHAPTER 138

AN ACT TO CONFER CIVIL JURISDICTION UPON THE COUNTY RECORDER'S COURT OF CALDWELL COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That there is hereby conferred upon the Recorder's Court of Caldwell County, already established under article nineteen of chapter twenty-seven of the Consolidated Statutes, as amended, sections one thousand five hundred sixty-three to one thousand five hundred eighty-two (b), civil jurisdiction to try and determine civil actions wherein the party plaintiff or defendant is a resident of that county.

Civil jurisdiction of Caldwell County Recorder's Court.

SEC. 2. That the jurisdiction of such court in civil actions shall be as follows:

(a) Jurisdiction concurrent with the justices of the peace within the County;

Contract actions,
\$1,000.

(b) Jurisdiction concurrent with the Superior Court in all actions founded on contract, wherein the amount involved, exclusive of interest and costs, does not exceed one thousand dollars;

Tort actions,
\$500.

(c) Jurisdiction concurrent with Superior Court in actions not founded upon contract wherein the amount involved, exclusive of interest and costs, does not exceed the sum of five hundred dollars.

General laws
applicable.

SEC. 3. That Consolidated Statutes section fifteen hundred and ninety-one, Procedure in Civil Actions; section fifteen hundred and ninety-two, Trial by Jury in Civil Actions; section fifteen hundred and ninety-three, Jurors Drawn and Summoned; section fifteen hundred and ninety-four, Talismen and Challenges; section fifteen hundred and ninety-five, Jury as in Superior Court; section fifteen hundred and ninety-six, Appeals to Superior Court; section fifteen hundred and ninety-seven, Appeals from Justices of the Peace; and section fifteen hundred and ninety-eight, Enforcement of Judgment, shall be applicable to said Recorder's Court of Caldwell County.

Conflicting laws
repealed.

SEC. 4. That all laws and clauses of laws in^e conflict with the provisions of this act are hereby repealed.

SEC. 5. That this act shall be in full force and effect from and after its ratification.

Ratified this the 4th day of March, A.D., 1931.

CHAPTER 139

AN ACT TO AMEND CHAPTER TWO HUNDRED FORTY-NINE, PUBLIC-LOCAL LAWS, SESSION ONE THOUSAND NINE HUNDRED AND TWENTY-SEVEN, RELATIVE TO THE SWANNANOA WATER AND SEWER DISTRICT IN THE COUNTY OF BUNCOMBE.

The General Assembly of North Carolina do enact:

Ch. 249, Public-Local Laws 1927, amended, abolishing Trustees of Swannanoa Water and Sewer District in Buncombe County.

SECTION 1. That the Trustees of the Swannanoa Water and Sewer District heretofore appointed under authority of chapter two hundred forty-nine, Public-Local Laws, session one thousand nine hundred and twenty-seven, be and said Trustees are hereby authorized, directed and required to immediately turn over any and all records, books, papers, accounts, moneys, and other properties of their said offices belonging to said district of whatsoever nature, to the Board of County Commissioners of Bun-

combe County, as Trustees of said district, as provided in said Act, whether said Trustees have fully completed the original contract as contemplated in said Act or not.

SEC. 2. That upon the ratification of this Act the Board of County Commissioners of Buncombe County, as Trustees of said sanitary district and their successors in office shall, without compensation, be vested with all the power and authority of the Trustees of said district, as provided in said chapter two hundred forty-nine, Public-Local Laws, session one thousand nine hundred and twenty-seven.

SEC. 3. That this Act shall apply only to the County of Buncombe.

SEC. 4. That all laws and clauses of laws in conflict with this Act, be and the same are hereby repealed.

SEC. 5. That this Act shall be in force from and after its ratification.

Ratified this the 4th day of March, A.D., 1931.

Surrender of records and moneys to County Commissioners.

County Commissioners succeed to powers of Trustees without compensation.

Applicable only to Buncombe County.

Conflicting laws repealed.

CHAPTER 140

AN ACT TO ESTABLISH AND FIX THE LEGAL RESIDENCE OF ONE JESSE J. RICHARDSON, AN INSANE MAN, AND TO SUBJECT HIM TO COMMITTAL TO THE STATE HOSPITAL FOR THE INSANE AT RALEIGH FOR PROPER CARE AND TREATMENT.

Whereas, on January twenty-one, one thousand nine hundred thirty-one, one Jesse J. Richardson was arrested in Gum Neck Township, Tyrrell County, by a deputy sheriff of said county, charged with an assault with a deadly weapon and upon failure to give bond was placed in the common jail of said Tyrrell County; and

Whereas, a few days thereafter, Dr. S. C. Chaplin, a duly licensed physician, filed with the clerk of the Superior Court of Tyrrell County a statement under oath that the said Jesse J. Richardson was dangerously insane and, therefore, ought not to be at large; and,

Whereas, since the filing of the said affidavit the county attorney of Tyrrell County has used every means and exerted every effort to ascertain and establish the legal residence of the said Jesse J. Richardson, but has been unable to do so, it appearing that the said Richardson for the past several years has not lived in any one county or state a sufficient length of time to establish a legal residence in any place: *Now, therefore*,
The General Assembly of North Carolina do enact:

Preamble: Necessity for establishment of legal residence of Jesse J. Richardson, an insane man.

Legal residence established as Tyrrell County.

Commitment to State Hospital at Raleigh.

SECTION 1. That Tyrrell County be, and it is hereby, established, declared and fixed as the legal residence of the said Jesse J. Richardson and he a legal resident of said county and subject to necessary proceedings for committal, upon a proper finding of insanity, to the State Hospital at Raleigh, to be there held in accordance with the general statutes regulating insane persons committed to said hospital.

SEC. 2. This act shall be in force and effect from and after its ratification.

Ratified this the 4th day of March A.D., 1931.

CHAPTER 141

AN ACT TO ALLOW THE COUNTY COMMISSIONERS OF CLAY COUNTY TO AID IN RE-OPENING THE CLAY COUNTY BANK.

The General Assembly of North Carolina do enact:

Clay County Commissioners and town of Hayesville authorized to aid in re-opening Clay County Bank by freezing deposits.

SECTION 1. That the board of county commissioners and the board of education of Clay County and L. W. Matheson, ex-clerk of the Superior Court of Clay County and the town of Hayesville, Clay County, North Carolina be, and they are hereby fully authorized and empowered to make and enter into a contract with the Clay County Bank, its directors and stockholders, to freeze or not demand the public funds or school funds of Clay County or the town of Hayesville now on deposit in said bank for a like period of time and under the same conditions that other depositors may agree to, which depositors' agreement shall be approved by the Corporation Commission of North Carolina.

Collateral now held unaffected.

SEC. 2. That nothing in this act shall in any way impair any bonds, collateral papers, notes or other securities held by Clay County or any officer thereof or other person for said county to secure the deposits of said county in said bank.

Collection of collateral and application of proceeds.

SEC. 3. That the county commissioners of Clay County be, and they are hereby authorized and empowered to collect all notes or other securities held by them or any person for them for the purpose of securing the deposits of said county in said bank and apply the proceeds derived from the collection in repayment to said county of the amount due it on the deposits of said county in said bank up to the full amount for which said security was put up to secure, and no further.

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 5. That this act shall be in full force and effect from and after its ratification.

Ratified this the 4th day of March, A.D., 1931.

CHAPTER 142

AN ACT TO ANNUL THE LEASE OF SCHOOL PROPERTY
IN THE TOWN OF LINVILLE MADE BY THE BOARD
OF EDUCATION OF AVERY COUNTY TO PRIVATE
PERSONS.*The General Assembly of North Carolina do enact:*

SECTION 1. That any lease made by the board of education to any lands or property in the town of Linville, Avery County, acquired for school purposes to private persons, firms or corporations while said lands or property or any portion of said lands on which a school building is located is being used for said purposes is hereby rendered null and void and of no effect, and any money advanced by such lessee shall be returned by the board of education of Avery County to the lessee, and the lessee is hereby given sixty days from the passage of this act within which to remove any building or buildings erected by the lessee on the said property; and it shall be unlawful for the board of education to renew any lease of school property in the town of Linville or to make a new lease thereof to any private person, firm or corporation.

SEC. 2. That anyone violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not less than fifty dollars or imprisoned not more than thirty days.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 4. That this act shall be in full force and effect from and after its ratification.

Ratified this the 4th day of March, A. D., 1931.

CHAPTER 143

AN ACT TO PREVENT THE OBSTRUCTION OF STREAMS
IN CUMBERLAND COUNTY.*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any person or persons to place any obstruction of any kind, other than dams legally constructed, in any of the streams of Cumberland County.

SEC. 2. That any person violating any of the provisions of this act shall be guilty of a misdemeanor and shall be punished by being required to pay a penalty of not less than ten nor more than fifty dollars, one-half of which shall be paid to the party furnishing sufficient evidence to convict and the other half to be paid to the treasurer of Cumberland County, subject to

Lease of school property by Avery County Board of Education in Linville annulled.

Return of money to lessee.

Removal of buildings constructed.

Future leases unlawful.

Violation of Act made misdemeanor.

Punishment.

Conflicting laws repealed.

Obstruction of streams in Cumberland County made unlawful.

Violation of Act made misdemeanor.

Application of penalty.

the order of the board of education of said county, or be imprisoned not less than ten nor more than thirty days.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 4. That this act shall be in full force and effect from and after its ratification.

Ratified this the 4th day of March, A.D., 1931.

CHAPTER 144

AN ACT TO REPEAL CHAPTER THREE HUNDRED THIRTY-ONE OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED TWENTY-FIVE AND TO ABOLISH THE COMMISSION FORM OF GOVERNMENT FOR JACKSON COUNTY; TO MAKE THE COUNTY ACCOUNTANT CLERK TO THE BOARD OF SAID COUNTY AND PROVIDE FOR HIS SALARY.

The General Assembly of North Carolina do enact:

Nomination in 1932 of candidates for Jackson County Commissioners.

SECTION 1. That at the primary or convention of each political party to be held in Jackson County in the year one thousand nine hundred thirty-two, and at each regular primary or convention thereafter, there shall be nominated three candidates for members of the board of county commissioners of said county, one of which shall be nominated as chairman of said board, and at said primary or convention in the year one thousand nine hundred thirty-two there shall be nominated a member of the county board of education to succeed the member of the board of county commissioners who is now chairman of said county board of education, said nominee to be elected by the General Assembly of the year one thousand nine hundred thirty-three in accordance with the provisions of the general school law.

Chairman to be nominated.

Member of Board of Education also to be nominated.

Three Commissioners to be elected at 1932 general election.

SEC. 2. That at the general election in November in the year one thousand nine hundred thirty-two, and at each general election thereafter, there shall be elected three members of the board of county commissioners, one of which shall be elected as chairman of said board, in the same manner and according to the same rules and regulations governing the election of other county officers; said members to be voted for by the voters of the county at large.

Elected at large.

General law applicable as to powers and duties.

SEC. 3. That from and after the first Monday in December, one thousand nine hundred thirty-two, all duties and powers as are imposed and conferred upon county commissioners by general law shall be imposed and conferred upon the county commissioners of Jackson County.

SEC. 4. That from and after the first Monday in December, one thousand nine hundred thirty-two, all members of the board of county commissioners of Jackson County, except the chairman, shall receive as compensation for their services five dollars (\$5.00) per diem for each day or fraction thereof that they are engaged in meetings for conducting the county's business and shall also receive five cents (5c) per mile for travel expense to and from meetings. The chairman of the board shall receive a salary of two thousand and four hundred (\$2,400) dollars per annum, payable in equal monthly installments out of the general fund of the county.

Members of Board to receive \$5 per day and mileage at 5 cents.

Chairman, \$2,400 per year.

SEC. 5. That from and after the first Monday of December, one thousand nine hundred thirty-two, the duties of the chairman of the board of commissioners of Jackson County shall be to act as administrative head of the county for the board of commissioners; to act as treasurer of said county, fulfilling all such duties and responsibilities as now devolve upon the county treasurer; to act as tax supervisor of the county with all the rights, powers and duties generally belonging or pertaining to the supervision, assessing and listing of the taxes of said county; to see that all orders, rules and regulations of the board of commissioners are faithfully executed; to recommend such measures for adoption by said board as he may deem expedient; to make reports to the board from time to time upon the affairs of the county, and keep the board fully advised as to the financial condition of the county and its future financial needs. From and after the first Monday of December, one thousand nine hundred thirty-two, the chairman shall also act as chairman of the board of education until the first Monday of April, one thousand nine hundred thirty-three, when he shall be succeeded by a member of the board of education qualified for office in accordance with the provisions of the general school law.

Duties of Chairman of Board.

To act as County Treasurer.

As Tax Supervisor.

General duties.

To act as Chairman of Board of Education till next general election.

SEC. 6. That the county accountant of Jackson County shall act as clerk to the board of county commissioners, and shall record the proceedings of each meeting of said board. The salary of the county accountant, as county accountant and clerk to the board, shall be fixed by the board of county commissioners, but shall not be less than one thousand five hundred (\$1,500) dollars per annum.

Duties of County Accountant.

Salary, \$1,500.

SEC. 7. That from and after the first Monday of December, one thousand nine hundred thirty-two, chapter three hundred thirty-one, Public-Local Laws of one thousand nine hundred twenty-five, shall be repealed: *Provided, however*, the repeal of said chapter shall not be construed to restore the county highway commission as a separate body from the board of

Ch. 331, Public-Local Laws 1925. repealed.

County Highway Commission as separate body not restored.

County Commissioners to have road powers.

county commissioners, but all duties and powers relating to the administration of maintenance and construction of the roads and bridges of Jackson County, insofar as such duties and powers are not in conflict with the general law, shall be imposed and conferred upon the board of county commissioners.

Conflicting laws repealed.

SEC. 8. That all laws and clauses of laws in conflict with the provisions of this act shall be and the same are hereby repealed.

SEC. 9. That this act shall be in force and effect from and after its ratification.

Ratified this the 4th day of March, A.D., 1931.

CHAPTER 145

AN ACT REPEALING SENATE BILL NUMBER TWO HUNDRED TWENTY-NINE, THE SAME BEING A BILL ENTITLED "AN ACT TO PROVIDE FOR THE APPOINTMENT OF THE SCHOOL COMMITTEE OF THE GARNER HIGH SCHOOL AND MOUNT AUBURN ELEMENTARY SCHOOL, LOCATED IN GARNER-MOUNT AUBURN SCHOOL DISTRICT."

The General Assembly of North Carolina do enact:

Senate Bill No. 229, Public-Local Laws 1931, repealed, relating to school committee in Garner-Mt. Auburn School District, Wake County.

SECTION 1. That Senate Bill number two hundred twenty-nine, ratified February nineteenth, one thousand nine hundred thirty-one, being a bill entitled "An act to provide for the appointment for the school committee of the Garner high school and Mount Auburn elementary school, located in Garner-Mount Auburn school district", be and the same is hereby repealed.

SEC. 2. That this act be in force from and after its ratification.

Ratified this the 5th day of March, A.D., 1931.

CHAPTER 146

AN ACT TO APPOINT A ROAD SUPERVISOR FOR POLK COUNTY.

The General Assembly of North Carolina do enact:

O. C. Fagan appointed Road Supervisor of Polk County.

SECTION 1. That O. C. Fagan, Columbus, North Carolina, is hereby appointed road supervisor of Polk County from and after the ratification of this act.

Salary of \$100 per month.

SEC. 2. That the road supervisor of Polk County hereby appointed, shall receive a salary of one hundred (\$100.00) dollars per month, to be paid by the County Commissioners of Polk County out of the general county fund.

Term of office.

SEC. 3. That the road supervisor of Polk County shall hold his office for a period of two (2) years, *provided, however*, that

in case the State Highway Commission shall take over and assume control of the county roads, his term shall expire at that time.

SEC. 4. That the road supervisor of Polk County shall have the use of the automobile now provided for the road supervisor of Polk County and shall receive in addition to the salary of one hundred dollars (\$100.00) per month, the actual expenses necessary for the operation of said automobile. Said expenses to be paid by the county commissioners of Polk County out of the general county fund.

Allowed use of automobile and expenses of operating same.

SEC. 5. It shall be the duty of the road supervisor of Polk County to supervise the construction and maintenance of all roads in said county. He is hereby authorized to take charge of all machinery and care and keep same in good repair: *Provided, however*, that in case the State Highway Commission should take over the supervision of the county highways in Polk County, the said county supervisor shall not purchase any new machinery, and only such repairs as are actually necessary for the working of the public roads of Polk County, and as is in accordance with the present plans of the county board of commissioners of Polk County.

Powers of supervision and maintenance of roads.

Care of equipment and machinery.

Road repairs.

SEC. 6. That the road supervisor of Polk County shall be subject to the will and work under the supervision and direction of the county board of commissioners of Polk County: *Provided, however*, that nothing in this act or any law heretofore enacted shall give the county board of commissioners of Polk County the right to discharge the said supervisor on or before July first, one thousand nine hundred thirty-one.

Under supervision of County Commissioners.

May not discharge Supervisor before July 1, 1931.

SEC. 7. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed.

Conflicting laws repealed.

SEC. 8. That this act shall be in full force and effect from and after the date of its ratification.

Ratified this the 5th day of March, A.D., 1931.

CHAPTER 147

AN ACT TO ABOLISH THE OFFICE OF TAX COLLECTOR IN POLK COUNTY AND PLACE THE DUTY OF COLLECTING TAXES IN THE HANDS OF THE SHERIFF.

The General Assembly of North Carolina do enact:

SECTION 1. That on and after December first, one thousand nine hundred and thirty-two, the office of tax collector be and the same is hereby abolished.

Office of Polk County Tax Collector abolished as of December 1, 1932.

SEC. 2. That on and after December first, one thousand nine hundred and thirty-two, the sheriff of Polk County shall collect all taxes and perform all duties now done and performed by

Sheriff to collect taxes after that date.

the Tax Collector of said county and shall receive for such services the following fees:

Fees: 1% where Collections are 70% of total taxes.

When he has collected any sum less or equivalent to an amount of money equal to seventy per cent (70%) of the total taxes to be collected he shall receive one per cent (1%) of the amount collected.

2% where collections are 80%.

If and when he has collected an amount equivalent to eighty per cent (80%) of the sum total of taxes to be collected he shall receive two per cent (2%) of the total amount of taxes collected.

2½% where collections are 90%.

If and when he has collected an amount equivalent or equal to ninety per cent (90%) of the total amount of taxes to be collected he shall receive the sum of two and one-half per cent (2½%) of the total amount of taxes collected.

Over 90%, 3½% of collections.

If and when he has collected ninety-five per cent (95%) and all over and up to and including one hundred per cent (100%) of the total amount of taxes to be collected he shall receive three and one-half per cent (3½%) of the total amount of taxes collected.

Maximum to be paid is 3½%.

Provided, that on each increase of the collection of taxes as set out in the above schedule the amount paid on each former schedule shall be deducted from the amount paid on the schedule under which he may be collecting, it being understood that in no event shall he receive more than a sum equal to three and one-half per cent (3½%) of the total amount of taxes collected in any one year.

Rules, regulations and bond requirements.

SEC. 3. That the sheriff of Polk County after this act shall come into force shall be subject to the same rules, regulations and bond requirements as is now required of the Tax Collector of Polk County, *Provided* that said bond or bonds shall be approved by the County Commissioners and paid for by the County Commissioners out of the general county funds.

Sheriff's salary \$500.

SEC. 4. That on and after December first, one thousand nine hundred and thirty-two, the salary of the Sheriff of Polk County shall be the sum of five hundred dollars (\$500.00) and no more to be paid out by the County Commissioners out of the general County funds in equal monthly installments in lieu of any salary paid prior to the time of this act coming into force in addition to the fees paid for the collection of taxes and in addition to all other fees now provided for the Sheriff's office in Polk County, said fees continuing in full force.

Allowed fees under general law.

Conflicting laws repealed.

SEC. 5. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 6. That this act shall be in full force and effect from and after its ratification.

Ratified this the 5th day of March, A.D., 1931.

CHAPTER 148

AN ACT TO REPEAL CHAPTER ONE HUNDRED FIFTY-EIGHT, OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED TWENTY-NINE, RELATING TO THE PAYMENT OF PREMIUMS ON OFFICIAL BONDS OF THE SHERIFFS OF ANSON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter one hundred and fifty-eight of the Public-Local Laws of Nineteen hundred and twenty-nine be and the same is hereby repealed.

SEC. 2. That this act shall be in force and effect from and after its ratification.

Ratified this the 6th day of March, A. D., 1931.

Ch. 158. Public-Local Laws 1929, repealed, relating to bond premiums in Anson County.

CHAPTER 149

AN ACT TO REGULATE THE FEES FOR THE SERVICE OF CIVIL AND CRIMINAL PROCESS BY THE SHERIFF, OR OTHER LAWFUL OFFICER WITHIN THE COUNTY, AND THE CONSTABLES OF THE VARIOUS TOWNSHIPS AND THE FEES OF THE JUSTICES OF THE PEACE OF HENDERSON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the sheriff or other lawful officer within the County of Henderson shall receive for the service of criminal and civil process the following fees:

For the service of warrant one dollar and fifty cents for each defendant therein named; all summons in civil actions one dollar for each defendant; warrants of attachment two dollars for each defendant; claim and delivery two dollars for each defendant; writ of garnishment one dollar for each defendant; search warrant two dollars for each defendant, execution two dollars.

SEC. 2. That the justices of the peace shall receive the following fees and none other:

For attachment one defendant, thirty-five cents, if more than one defendant fifteen cents for each additional defendant; transcript of judgment fifty cents; summons thirty cents; if more than one defendant in same case for each additional defendant fifteen cents; subpoenas for each witness, twenty-five cents; trials when issues are joined, one dollar; and if no issues are joined, seventy-five cents; for trial and judgment, taking an affidavit, bond or undertaking or for an order of publication or an order to seize property fifty cents; for jury trial and

Fees allowed police officers in Henderson County for serving processes.
Fees enumerated.

Fees of Justices of the Peace.

Enumerated.

entering verdict, one dollar; execution, fifty cents; renewal of execution, fifteen cents; return to an appeal, one dollar; order of arrest in civil action, thirty cents; warrant of arrest in criminal and bastardy cases, including affidavit or complaint, seventy-five cents; warrant of commitment, fifty cents; taking depositions on order or commission per one hundred words, twenty-five cents; garnishment for taxes and making necessary returns and certificates of same, thirty-five cents; for hearing petition for widow's year's allowance, issuing notice to commissioners and allotting the same, two dollars; for filing and docketing laborer's liens, sixty cents; probate of deed or other writing proved by a witness, including the certificate, fifty cents; probate of a deed or other writing executed by a married woman and proper acknowledgement and private examination with the certificate thereof, fifty cents; probate of a deed or other writing acknowledged by the signers or makers including all except married women who acknowledge at the same time with certificate thereof, fifty cents; probating chattel mortgage including certificate, twenty-five cents; for issuing all papers and copies thereof in an action for claim and delivery and the trial of same if issues are joined when there is one defendant, two dollars; if more than one defendant in action, one dollar for each additional defendant and twenty-five cents for each subpoena issued in said cause and fifty cents for taking the replevy bond when one is given: *Provided* that when the trial of such a cause shall have been removed from before the justice of the peace issuing the said papers, the justice of the peace sitting in trial of such cause shall receive fifty cents of the above costs for such trial and judgment. Indexing case and judgment in both civil and criminal actions, fifty cents; transcript carrying up all cases where probable cause is found, or when an appeal is taken in criminal cases, fifty cents, and for each and every continuance both civil and criminal, the sum of twenty-five cents; performing a marriage ceremony in his office, two dollars; for the same service outside of the office, such fees as the justice of the peace and the contracting parties to the marriage may agree on.

Officers receiving salaries not entitled to fees collected.

SEC. 3. That the sheriff or other lawful officer within Henderson County, who shall be receiving a salary as compensation for his services, or who has not been elected by a vote of the people or appointed to fill out the unexpired term of a duly elected officer, shall not be entitled to any of the fees herein set out as compensation for his services, but the same shall be taxed, collected and disbursed as otherwise provided by law.

"Other lawful officer" defined.

SEC. 4. That wherever "other lawful officer within Henderson County" is referred to in this act, it shall be construed to mean

all deputy sheriffs of the county and the constables of the various townships.

SEC. 5. That this act apply only to Henderson County.

Applicable to Henderson County only.

SEC. 6. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 7. That this act shall be in full force and effect from and after its ratification.

Conflicting laws repealed.

Ratified this the 6th day of March, A.D., 1931.

CHAPTER 150

AN ACT TO AMEND CHAPTER SIX HUNDRED AND TEN, PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-FIVE, RELATING TO DRAINAGE DISTRICTS IN HYDE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section five of chapter six hundred and ten, Public-Local Laws of one thousand nine hundred and twenty-five, be amended by inserting in line twenty-nine between the words "sale" and "but", the words "other than the actual cost of advertising and making sale, an itemized statement of which shall be made in his report of sale to the drainage commissioners, and paid out of the drainage assessment, but shall not be charged against him as part of his salary."

Ch. 610, Public Local Laws 1925, amended.

Costs in making sale of lands in Hyde County drainage districts.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this act shall be in full force and effect from and after its ratification.

Ratified this the 6th day of March, A.D., 1931.

CHAPTER 151

AN ACT TO VALIDATE CERTAIN LEGAL SALES IN GREENE, LENOIR AND MITCHELL COUNTIES.

Whereas, the record of reports of sales under foreclosure sales in deeds of trust and mortgages of Greene, Lenoir and Mitchell Counties are not in proper form, and proper reports of said sales under power of sale in deeds of trust have not been duly made.

Preamble.

Whereas, such sales should be now validated: *Now, therefore*, *The General Assembly of North Carolina do enact:*

SECTION 1. That all foreclosure sales of real estate under powers of sale in deeds of trust or mortgages made in Greene, Lenoir and Mitchell Counties since the year one thousand nine hundred and twenty-three, and in which said sales proper

Foreclosure sales under deeds of trust and mortgages validated in Greene, Lenoir and Mitchell Counties.

Where improper reports made to Clerk of Court.

Pending litigation unaffected.

Conflicting laws repealed.

records and/or reports of said sales by the trustee, or other person making said sales, have not been properly made to the Clerk of the Court and confirmed, as provided for in section two thousand five hundred and ninety-four of the Consolidated Statutes and other sections applying to reports of said sales, the same are hereby validated.

SEC. 2. That this act shall not apply to or effect any pending litigation.

SEC. 3. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 4. That this act shall be in full force and effect from and after its ratification.

Ratified this the 6th day of March, A.D., 1931.

CHAPTER 152

AN ACT TO DIVIDE THE BOARD OF COUNTY COMMISSIONERS OF PITT COUNTY INTO TWO CLASSES.

The General Assembly of North Carolina do enact:

Election of five members of Pitt County Board of Commissioners in 1932.

Divided into two classes.

Term of office of each class.

Subsequent elections.

Conflicting laws repealed.

SECTION 1. That at the general election to be held in the year one thousand nine hundred and thirty-two there shall be elected in the County of Pitt by the duly qualified voters thereof five members of the board of county commissioners divided into two classes, three of whom shall compose one class whose term of office shall commence on the first Monday in December, one thousand nine hundred and thirty-two, and expire at the end of two years thereafter, or on the first Monday in December, one thousand nine hundred and thirty-four; and two of whom shall compose another class whose term of office shall commence on the first Monday in December, one thousand nine hundred and thirty-two, and expire four years thereafter, or on the first Monday in December, one thousand nine hundred and thirty-six. That upon the expiration of the term of office of both classes of said commissioners their successors shall be elected to hold office for four years, and until their successors are elected and qualified.

SEC. 2. That all laws and parts of laws in conflict herewith are hereby repealed.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 6th day of March, A.D., 1931.

CHAPTER 153

AN ACT TO AMEND CHAPTER THREE HUNDRED AND ELEVEN OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-NINE RELATIVE TO MAKING TAX BOOKS FOR CASWELL COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section two of said Act be amended in line five thereof by striking out the word "seven" and inserting in lieu thereof the word "five". That said section is further amended in line eight thereof by striking out the figure "7" and inserting in lieu thereof the figure "5".

Ch. 311, Public-Local Laws 1929, amended, relating to making tax books for Caswell County.

SEC. 2. That all laws and clauses of laws in conflict with this act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 7th day of March, A. D., 1931.

CHAPTER 154

AN ACT TO AMEND CHAPTER TWO HUNDRED AND FOURTEEN, PUBLIC-LOCAL LAWS, NINETEEN HUNDRED AND TWENTY-FIVE, RELATING TO HAYWOOD COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section three of chapter two hundred and fourteen, Public-Local Laws of nineteen hundred and twenty-five, be amended by striking out the period at the end thereof and adding the words "including the purchase or erection and the equipment of a new courthouse and jail and the acquisition of land therefor."

Ch. 214, Public-Local Laws 1925, amended, relating to bonded indebtedness of Haywood County.

SEC. 2. That the indebtedness of Haywood County now outstanding is hereby validated.

Outstanding indebtedness validated.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 7th day of March, A. D., 1931.

CHAPTER 155

AN ACT TO PROVIDE FOR THE APPOINTMENT OF ONE SPECIAL DEPUTY FOR GREEN HOPE SCHOOL DISTRICT, WHITE OAK TOWNSHIP, WAKE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the sheriff of Wake County is hereby authorized and empowered to appoint one competent resident deputy in the territory known and designated as Green Hope

Wake County Sheriff authorized to appoint deputy for Green Hope School District.

Duties.

School District, in White Oak and Cedar Fork Townships, Wake County, which said deputy shall see that the laws of the State are not violated within the aforesaid territory; and such deputy is hereby empowered to arrest without warrant any persons caught in the act of violating any such law, or creating any disturbance in the said school district, and immediately to carry such offender or offenders before any magistrate in Wake County, or before the judge of the Recorder's Court at Apex, in said county, to be dealt with according to law.

To receive only fees collected by him.

SEC. 2. That the aforesaid special deputy shall not be paid any salary or compensation by Wake County, but he shall be allowed such fees as were allowed deputy sheriffs in the county prior to the enactment of chapter two hundred and seventy, Public-Local Laws of one thousand nine hundred and twenty-nine.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 4. That this act shall be in full force and effect from and after its ratification.

Ratified this the 7th day of March, A.D., 1931.

CHAPTER 156

AN ACT TO SUBMIT TO THE VOTERS OF HYDE COUNTY AT THE NEXT ELECTION THE QUESTION OF ABOLISHING THE OFFICE OF COUNTY TREASURER.

The General Assembly of North Carolina do enact:

Election in 1932 on abolishing office of Hyde County Treasurer. Details of election.

SECTION 1. That at the next general election to be held in November, one thousand nine hundred and thirty-two, there shall be submitted to the voters of Hyde County the question of abolishing the office of county treasurer of said county. Said election shall be conducted under the same rules and regulations as elections for county officers. Separate boxes shall be provided and those favoring abolishing the office of county treasurer shall vote a ballot on which shall be written or printed the words "For Abolishing Office of County Treasurer" and those against abolishing said office shall vote a ballot on which shall be written or printed the words "Against Abolishing Office of County Treasurer". If a majority of the votes cast at said election shall be for abolishing said office then the duties performed by the treasurer shall be performed by the sheriff as provided by law. If a majority of the votes cast be against abolishing the office of treasurer then the treasurer to be elected at the election in November, one thousand nine hundred and thirty-two and his successors, shall continue to perform the duties of said office.

If election carries, Sheriff to perform duties of treasurer.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed. Conflicting laws repealed.

SEC. 3. That this act shall be in full force and effect from and after its ratification.

Ratified this the 7th day of March, A. D., 1931.

CHAPTER 157

AN ACT TO PERMIT BOXING MATCHES IN CARTERET COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall not be unlawful for two or more persons to engage in boxing match or glove contest for prize in Carteret County. Boxing matches allowed in Carteret County.

SEC. 2. That no such boxing match or glove contest shall be permitted or allowed on Sundays, nor shall any person bet or lay a wager on the results of such contest. Sunday matches or betting prohibited.

SEC. 3. That any person violating any of the provisions of section two of this act shall be guilty of a misdemeanor and shall be fined not less than fifty dollars nor more than two hundred dollars or imprisonment in the discretion of the court. Violation of act made misdemeanor. Punishment.

SEC. 4. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed. Conflicting laws repealed.

SEC. 5. That this act shall be in full force and effect from and after its ratification.

Ratified this the 7th day of March, A. D., 1931.

CHAPTER 158

AN ACT REPEALING CHAPTER THREE HUNDRED AND TWO OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-NINE, AND RE-ENACTING CHAPTER SIX HUNDRED AND FIFTEEN OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-SEVEN.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter three hundred and two of the Public-Local Laws of nineteen hundred and twenty-nine, entitled "An act to provide for the better enforcement of the prohibition law in Alamance County," is hereby repealed. Ch. 302, Public-Local Laws 1929, repealed, relating to prohibition enforcement in Alamance County.

SEC. 2. That chapter six hundred and fifteen of the Public-Local Laws of nineteen hundred and twenty-seven, entitled "An act to secure a better enforcement of the law against the manufacture and sale of intoxicating liquor in Alamance County," be and the same is hereby re-enacted. Ch. 615, Public-Local Laws 1927, re-enacted.

Above act declared supplemental to general law.

SEC. 3. That the provisions of said act of nineteen hundred and twenty-seven are supplemental and in addition to the general laws governing the matters therein referred to.

SEC. 4. That this act shall be in force from and after its ratification.

Ratified this the 7th day of March, A. D., 1931.

CHAPTER 159

AN ACT TO MAKE RECITALS IN CERTAIN INSTRUMENTS PRIMA FACIE EVIDENCE OF HEIRSHIP IN GRAHAM COUNTY.

Preamble: Grant of lands in Graham County to non-residents.

Whereas, seventy-five per cent of the lands in Graham County are wild, unimproved and unoccupied mountain land, and,

Whereas, a large portion of said lands were granted to non-residents of North Carolina who are now dead and who left heirs whose residence are unknown to the present owners of said lands, and,

Heirs have re-conveyed lands.

Whereas, said heirs have, in many instances, conveyed said land by deed reciting said heirship, and,

Difficulty of establishing heirship.

Whereas, in introducing said titles in evidence it causes great and unnecessary expense, trouble and inconvenience to prove said heirship: *Now therefore*,

The General Assembly of North Carolina do enact:

Recitals of heirship in deeds prima facie evidence of such heirship where deeds are more than 30 years old.

SECTION 1. That the recitals of any deed which has been registered in the office of Register of Deeds of Graham County for a period of thirty years or more, reciting that the grantors or any of them is or are the heir or heirs of any person therein named, shall be prima facie evidence of the heirship of such party or parties, when said deed is introduced as a link in the chain of title.

Same provision as to old judgments.

SEC. 2. That where a judgment has been entered in the office of the Clerk of the Superior Court of Graham County for thirty years or more, in which the recitals in either the pleadings or judgment recites that certain party or parties therein named is or are the heir or heirs of a certain person or persons therein named said recitals therein shall be prima facie evidence of such heirship upon the introduction of said record in evidence where same is a link in the chain of title.

Application of act.

SEC. 3. That this act shall only apply where the parties to an action claim title under and through separate and distinct chains of title.

Pending litigation unaffected. Applicable only to Graham County.

SEC. 4. That this act shall not affect pending litigation.

SEC. 5. That this act shall apply to Graham County only.

SEC. 6. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed. Conflicting laws repealed.

SEC. 7. That this act shall take effect from and after its ratification.

Ratified this the 7th day of March, A. D., 1931.

CHAPTER 160

AN ACT TO REDUCE THE FEE ALLOWED FOR SEIZURE OF ILLICIT STILLS IN YADKIN COUNTY FROM TWENTY DOLLARS TO TEN DOLLARS.

The General Assembly of North Carolina do enact:

SECTION 1. That for every illicit distillery seized in Yadkin County under article six, chapter sixty-six, of the Consolidated Statutes, the sheriff or other police officer shall receive the sum of ten dollars (\$10.00), which shall be allowed by the commissioners of said county: *Provided*, that the commissioners shall not pay this amount if they are satisfied after due investigation that the seizure of the distillery was not bona fide made. Fees for seizure of distilleries in Yadkin County \$10 each.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed. Seizure must be bona fide.

SEC. 3. That this act shall be in full force and effect from and after its ratification. Conflicting laws repealed.

Ratified this the 7th day of March, A. D., 1931.

CHAPTER 161

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF GASTON COUNTY TO FIX THE NUMBER OF TAX COLLECTORS IN SAID COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Commissioners of Gaston County, may, in its discretion, in lieu of appointing six tax collectors as now provided by law, appoint one tax collector for two or more townships or districts as now provided by law, which may be designated or combined by said board. Gaston County Commissioners may reduce number of tax collectors.

SEC. 2. That said board of county commissioners shall fix the compensation of any tax collector or tax collectors appointed by it in such sum or sums as it may deem just and adequate. Compensation to be fixed.

SEC. 3. That this act shall be in force and effect from and after its ratification.

Ratified this the 7th day of March, A. D., 1931.

CHAPTER 162

AN ACT TO PREVENT THE ERECTION OF A NEW COURT HOUSE IN DAVIDSON COUNTY WITHOUT A VOTE OF THE PEOPLE.

The General Assembly of North Carolina do enact:

Erection of court house in Davidson County without vote of people prohibited. Emergency accepted.

SECTION 1. That no bonds shall be issued or obligation incurred for the purpose of erecting a court house in the County of Davidson without submitting the question of such erection to the vote of the people of said county, except in case of destruction of the present court house building by fire or any other cause beyond the control of the officers of said county.

Conflicting laws repealed.

SEC. 2. That all laws and clauses in conflict with this act shall be and the same are hereby repealed.

SEC. 3. That this act shall be in force and effect from and after its ratification.

Ratified this the 7th day of March, A. D., 1931.

CHAPTER 163

AN ACT TO FIX THE SALARY OF THE JUDGE OF THE RECORDER'S COURT OF TYRRELL COUNTY AND PROVIDE FUNDS TO MEET SAID SALARY.

The General Assembly of North Carolina do enact:

Salary of Tyrrell County Recorder, \$600.

SECTION 1. That the salary of the judge of the recorder's court shall be not exceeding six hundred dollars per year, payable monthly.

Salary fee charged in each action tried.

SEC. 2. That in each criminal action disposed of in said court there shall be fixed as part of the cost of the action a tax fee of six dollars, which shall be collected by the clerk of the court and paid into the general fund of the county.

SEC. 3. This act shall take effect from and after its ratification.

Ratified this the 7th day of March, A. D., 1931.

CHAPTER 164

AN ACT TO REGULATE THE RIGHTS OF THE COUNTY OF PASQUOTANK AS TO CERTAIN SECURITIES HELD BY IT IN LIEU OF BOND OF THE SAVINGS BANK AND TRUST COMPANY.

Preamble: Securities held by Pasquotank County to secure deposits in Savings Bank and Trust Company.

Whereas the Savings Bank and Trust Company was the former treasurer of Pasquotank County; and,

Whereas the said bank closed its doors on the nineteenth day of December, one thousand nine hundred and thirty, having in hand certain funds belonging to said County; and,

Whereas there is a movement on foot to reopen said bank; and,

Whereas certain securities were deposited by said bank with said County in lieu of bond as treasurer: *Now, therefore,*

The General Assembly of North Carolina do enact:

SECTION 1. That said commissioners may sell the said securities deposited with it at such time as they, in their discretion, may deem best, and the said board of commissioners of said County shall make no demands of the Savings Bank and Trust Company for the account or deposit due from it until it has exhausted the securities so deposited with Pasquotank County by the said bank in lieu of its bond as treasurer.

Sale of securities directed before calling on Bank for deposits.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 7th day of March, A. D., 1931.

CHAPTER 165

AN ACT TO REPEAL CHAPTER TWENTY-FOUR OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-SEVEN, RELATING TO THE OFFICE OF TAX COLLECTOR OF JOHNSTON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter twenty-four of the Public-Local Laws of one thousand nine hundred and twenty-seven, and every section thereof, be and the same is hereby repealed.

Ch. 24, Public-Local Laws 1927, repealed, abolishing Johnston County Tax Collector.

SEC. 2. That all the duties heretofore exercised by the Tax Collector, and all the powers provided by law relating to the collection of taxes shall be imposed and conferred upon the sheriff of Johnston County.

Sheriff to succeed.

SEC. 3. That fifteen days after the ratification of this act D. W. Parker, Tax Collector, and L. T. Rose, Tax Collector, shall surrender all records in their possession as such Tax Collector to the County Auditor of Johnston County, and make full settlement of all sums of money collected by them. That thereupon the said County Auditor shall immediately deliver said records to the Sheriff of Johnston County, and shall likewise immediately charge to the Sheriff of Johnston County the amount of all uncollected taxes and said Sheriff shall immediately proceed to collect and settle for said taxes as provided by law.

Surrender by Tax Collector of tax books, etc.

Money settlement.

SEC. 4. That the County Commissioners of Johnston County shall, upon full settlement being made by the said D. W. Parker, Tax Collector, and by the said L. T. Rose, Tax Collector, for taxes collected by them, dispense with their services as said Tax Collectors.

Sheriff to proceed with tax collections.

Discharge of Tax Collector.

Conflicting laws
repealed.

Effective after
15 days from
ratification.

SEC. 5. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 6. That this act shall be in force and effect from and after fifteen days after its ratification.

Ratified this the 7th day of March, A. D., 1931.

CHAPTER 166

AN ACT TO AMEND HOUSE BILL TWO HUNDRED SEVENTY-ONE, RATIFIED FEBRUARY TWELFTH, ONE THOUSAND NINE HUNDRED THIRTY-ONE, BEING "AN ACT TO REPEAL CHAPTER THREE HUNDRED TWENTY-ONE OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED TWENTY-SEVEN, RELATING TO A BUDGET SYSTEM."

The General Assembly of North Carolina do enact:

H. B. 271, Public-Local Laws 1931, amended, relating to Budget System in Madison County.

SECTION 1. That House Bill two hundred seventy-one, ratified February twelfth, nineteen hundred thirty-one, being "An act to repeal chapter three hundred twenty-one of the Public-Local Laws of one thousand nine hundred twenty-seven relating to a Budget System" be, and the same is hereby amended by striking out the figures "three hundred twenty-one" in the caption and inserting in lieu thereof the figures "six hundred twenty-one", and by striking out the word "three" in section one, line one, and inserting in lieu thereof the word "six".

Conflicting laws
repealed.

SEC. 2. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 3. That this act shall be in full force and effect from and after its ratification.

Ratified this the 7th day of March, A. D., 1931.

CHAPTER 167

AN ACT TO IMPROVE THE SANITARY CONDITIONS AND MANAGEMENT OF THE COUNTY HOME OF MADISON COUNTY.

Preamble: Sanitary conditions at Madison County Home.

Whereas, the Board of Health of Madison County has personally investigated conditions at the county home and has made an official, signed report to the effect that the sanitary conditions of same are deplorable; and that the heat is insufficient as well as the food which is not properly prepared and served: *Now, therefore*,

The General Assembly of North Carolina do enact:

Monthly investigation and report of conditions by County Board of Health directed.

SECTION 1. That one member of the Board of Health of Madison County, to be designated by said board, shall visit the county home monthly and investigate the conditions of same;

and that the said board of health hereafter shall make recommendations to the Board of County Commissioners of Madison County regarding the sanitary conditions and management of the said county home.

SEC. 2. That the Board of Health of Madison County may call a public hearing, first giving the board of county commissioners ten days written notice, and for good and sufficient cause recommend that the superintendent of the County Home of Madison County be removed, and that the management be changed; and the said board of county commissioners are empowered and directed and thereupon shall change the management of the county home and remove the said superintendent and appoint his or her successor.

Public hearing called for removing present superintendent and changing management.

SEC. 3. That from and after the ratification of this act that, in lieu of the salary now paid the court house janitor at Marshall, he shall receive in full and complete settlement of his full time monthly salary the sum of fifty dollars per month and no more.

Courthouse janitor to receive \$50 per month.

SEC. 4. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Conflicting laws repealed.

SEC. 5. That this act shall be in full force and effect from and after its ratification.

Ratified this the 7th day of March, A.D., 1931.

CHAPTER 168

AN ACT TO CREATE A JURY COMMISSION FOR THE COUNTY OF YANCEY.

The General Assembly of North Carolina do enact:

SECTION 1. That the Chairman of the Board of County Commissioners, the Clerk of the Superior Court and the Superintendent of Schools of Yancey County, and their successors in office, be and they are hereby named as a jury commission for the said county of Yancey, to serve without pay, and whose term of office shall begin on the first Monday in April, one thousand nine hundred and thirty-one, or as soon thereafter as they may qualify, as hereinafter provided. The clerk of the Superior Court shall be chairman and the Superintendent of Schools shall be secretary of said jury commission.

Jury Commission named for Yancey County; ex-officio members.

To serve without pay.
Term of office.

Chairman and Secretary.

SEC. 2. That it shall be the duty of the aforesaid commission to have full, complete and absolute control of the jury system for Yancey County, and to that end, they shall be the custodians of the jury box for said county and shall be charged with placing all names within said box for jury service and shall like-

Duties of Commission.

Custodians of jury box.

Drawing of juries.

Oath of office to be taken in April, 1931.

Immediate revision of jury box.

Number of names to be placed in box.

Jury box divided into two compartments.

Meetings to draw juries for terms of Superior Court.
Time of meetings.

Number of names to be drawn at each term.

wise be charged with the supervision of drawing all names from said jury box for jury duty, as hereinafter provided.

SEC. 3. That on the first Monday in April, one thousand nine hundred and thirty-one, or as soon thereafter as practicable, the aforesaid named commission shall present themselves before the deputy clerk of the Superior Court for the County of Yancey, or a justice of the peace, where they shall all take their oath of office to the effect that they will honestly and conscientiously perform their said duties towards carrying out the provisions of this act without fear or favor to the very best of their ability.

SEC. 4. That immediately after taking their said offices, it shall be their duty to revise the jury box for Yancey County by striking out all names which they may find within said box, and by placing in lieu thereof the names of not less than six hundred (600), nor more than eight hundred (800) citizens and taxpayers of Yancey County. In selecting the aforesaid names, each and every name so selected shall be that of a good, law-abiding, intelligent citizen who does not then stand indicted in the courts on any charge. That in placing said names in said jury box, each name shall be type-written and shall be cut separate and apart from all the other names.

SEC. 5. That said jury box shall be divided into two compartments, one of which shall be marked number one, and the other of which shall be marked number two, and each of said compartments shall be locked with a separate lock, the key to compartment number one to be carried by a certain member of said commission to be named as chairman, and the key to compartment number two to be carried by another of said commission to be designated as secretary. That it shall be the duty of said commission in first preparing the names of said jury list to place all of said names in compartment number one where they shall remain until same shall be drawn out as hereinafter provided.

SEC. 6. That it shall be the duty of said jury commission to meet in the Clerk's office in the court house in Burnsville on the first Monday in January, the first Monday in March, the first Monday in July, and the first Monday in October of each and every year for the purpose of drawing a jury for the January, March, August and October terms of Yancey County Superior Court, respectively. That for the March and October terms there shall be sixty (60) names drawn, the first thirty-six (36) of which shall be subject to jury service for the first week of said courts, and the remaining twenty-four (24) shall be subject to jury service for the second week of said courts. That for said August term there shall be drawn thirty-six (36) names, twenty-four (24) of whom shall be subject to jury

service for the first week of said court and the remaining twenty-four (24) for the second week of said court. That for said January term twenty-four (24) names shall be drawn. That in drawing said names, same shall be drawn from compartment number one by a child not over five (5) years of age and after a list of said names has been taken by the secretary, same shall then be deposited in compartment number two. Should there be an extra term of court, or should the terms be changed, said jury commission shall meet at least two weeks before said extra term or regular terms if changed for the purpose of drawing a jury for same, said number of names to be drawn to be governed entirely by the number needed for said extra term, the said commission to be the sole judges of the number required.

To be drawn by child not over 5 years old.

Drawing for extra terms.

SEC. 7. That after said jury shall have thus been drawn, it shall be the duty of said secretary to make and certify a copy of same to the sheriff of said county for the purpose of serving same; to furnish a certified copy thereof to the Clerk of the Superior Court and to retain a copy thereof as a part of the permanent records of the said jury commission.

Certified copies of lists distributed.

SEC. 8. That at such times as said jury commission are not on duty and in actual charge of said jury box, the Clerk of the Superior Court shall be the custodian of same, and it shall be his duty to keep same under lock and key at all times so that no other person may have anything to do with same.

Clerk as custodian of box out of term.

SEC. 9. That on the first Monday in April, one thousand nine hundred and thirty-three, and biennially thereafter, said jury box shall be revised by said jury commission, the same rules governing in revising same as are applicable to the first list going into said box.

Biennial revision of box.

SEC. 10. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed insofar as same apply to Yancey County.

Conflicting laws repealed.

SEC. 11. That this act shall be in full force and effect from and after its ratification.

Ratified this the 7th day of March, A.D., 1931.

CHAPTER 169

AN ACT TO REGULATE GAME BLINDS AND WATER-FOWL HUNTING IN CARTERET COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter one hundred and five of the Public-Local Laws of North Carolina, session one thousand nine hundred and twenty-five, is hereby repealed.

Ch. 105, Public-Local Laws 1925, repealed.

Construction of blinds for hunting water-fowl nearer than 600 yards of another blind prohibited in Carteret County.

Owner of same blinds prohibited from having two adjacent blinds farther apart than 700 yards.

No blind may be built closer to shore line than 500 yards unless by owner of abutting lands.

Limit of 4 blinds set for any one person, firm or corporation.

Hunting clubs may have 10 blinds.

Blinds on privately-owned lands unaffected.

SEC. 2. That it shall be unlawful for any person, firm or corporation to build or construct or cause to be built or constructed, anywhere within the public waters of Carteret County, in any sound, bay, river, tributary, arm of the sea, or other public waters, any blind of any description, or any place of concealment whatsoever, from which migratory water-fowl are shot, or from which such migratory wild-fowl are intended to be shot, within a radius of six hundred yards of any other such blind or place of concealment: *Provided*, that no one person, firm or corporation shall build or construct, or cause to be built or constructed, own, have, use, control, manage, operate, hunt from, or have any interest whatsoever in, two blinds or other such places of concealment, placed adjacent to or next to each other, at a greater distance apart than seven hundred (700) yards: *Provided, further*, that no person, firm or corporation other than the owner or owners of the land or lands abutting on said waters, and where said lands are owned and used exclusively for hunting purposes, shall build or construct, or cause to be built or constructed, own, have, use, control, manage, operate, hunt from, or have any interest whatsoever in, any such blind or other said place of concealment for hunting or shooting said water-fowl, or set out, place or establish any battery or other place of concealment of any description whatsoever, or use, or hunt from same closer than five hundred (500) yards of the shore-line of such lands.

SEC. 3. That it shall be unlawful for any person, firm or corporation to build or construct, or cause to be built or constructed, own, have, use, control, manage, operate, hunt from, or have any interest whatsoever in, whether as sportsman, hunter or guide, for his or its own use or benefit, or for the use or benefit of any other person, firm or corporation, anywhere in the public waters of Carteret County in any sound, bay, river, tributary, arm of the sea, or other public waters, more than four (4) such said blinds or other places of concealment or batteries: *Provided, however*, that hunting clubs, with club-houses and other properties located in Carteret County whether the members thereof are residents or non-residents of the State, may be permitted to erect, construct, own, have, use, control, manage, operate, hunt from, and have interest in, as many as ten (10) such blinds, batteries or other places of concealment, in the public waters of said county, and consistent with the rules and regulations elsewhere provided in this act; but such members are hereby expressly prohibited from erecting, owning, using, controlling, operating, hunting from, or having any interest whatsoever in any other blinds, batteries, or places of concealment in said public waters: *Provided, further*, that nothing contained in this act shall affect, limit or restrict the establish-

ment or erection of any number of such said blinds or other places of concealment on privately-owned property.

SEC. 4. That it shall be unlawful for any person, firm or corporation to erect, construct, or cause to be erected or constructed, within the public waters of said county, any blind or other place of concealment, or any parts thereof, earlier than the twentieth day of October of each year, and it shall be unlawful for any owner or owners to permit any such blind or other place of concealment to stand or remain in said public waters later than the first day of March of each year: *Provided*, that any and all blinds or other places of concealment now erected or standing in said public waters, or which may be standing upon or after the ratification of this act, shall be removed and taken up within thirty days after such ratification.

SEC. 5. That it shall be unlawful for any person, firm or corporation to erect or cause to be erected in said public waters any such blind or place of concealment without, at the time of such erection, having placed thereon, either by carving in some wooden part of the inside of said blind, or by painting in black letters, no less than two inches in size, the name of such owner or owners, each such blind or other place of concealment to be consecutively numbered from one to four or from one to ten, as the case may be, in figures no smaller than two inches in size.

SEC. 6. That it shall be unlawful for any person to enter, use, hunt from, or in any manner appropriate to his own use, however temporarily, any blind, battery or other place of concealment used or intended to be used for hunting water-fowl, and owned by another person, firm or corporation, whether in public waters of said county, or upon privately-owned property, without first obtaining the written permission from the owner or owners thereof: *Provided, however*, that such written permission shall not be required of a guest when the owner is actually present and has knowledge of and assents to such use, or where hunter's guides for hire and in the course of their employment take out or wait on hunters or sportsmen.

SEC. 7. That a tax of ten (\$10) dollars per year on each blind, battery or other place of concealment, placed in the public waters of said county, shall be imposed upon any and all non-residents, whether individual, firm or corporation, whose members or a majority of whose members are non-resident of the State, such tax to be payable to the Clerk of the Superior Court of Carteret County, for the use and benefit of the schools of said county.

SEC. 8. That any person, firm or corporation violating any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction, shall be fined not less than fifty (\$50)

Blinds must be constructed not earlier than October 20 in each year; must be removed before March 1.

Blinds now standing must be removed within 30 days.

Every blind must be marked by owner.

Specifications.

Hunting from blind of another without written permission prohibited.

Guests and hunters accompanied by guides as owners excepted.

Tax of \$10 per year levied on each blind of non-residents.

For benefit of school fund.

Violation of act made misdemeanor. Punishment.

dollars, nor more than one hundred (\$100) dollars, or imprisoned not less than thirty days.

Conflicting laws repealed.

SEC. 9. That all laws and clause of laws in conflict with this act are hereby repealed.

SEC. 10. That this act shall be in force and effect from and after its ratification.

Ratified this the 9th day of March, A.D. 1931.

CHAPTER 170

AN ACT TO AMEND SECTION FIVE OF CHAPTER SIX HUNDRED AND TWO OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED THIRTEEN RELATING TO THE SALARY OF THE JUDGE OF THE RECORDER'S COURT FOR HARNETT COUNTY.

The General Assembly of North Carolina do enact:

Ch. 602, Public-Local Laws 1913, amended, increasing salary of Harnett County Recorder to \$1,800.

SECTION 1. That Section five of Chapter six hundred and two of the Public-Local Laws of one thousand nine hundred thirteen be amended by striking out the words "seven hundred and fifty" in line nine thereof and inserting in lieu thereof the words "eighteen hundred."

SEC. 2. This act shall be in force from and after its ratification.

Ratified this the 9th day of March, A.D. 1931.

CHAPTER 171

AN ACT AUTHORIZING THE COLLECTION OF CERTAIN TAXES BY THE TAX COLLECTING AUTHORITIES OF ALAMANCE COUNTY.

Preamble: Alamance County Sheriff relieved of collecting certain taxes for certain years.

That *whereas*, the Sheriff of Alamance County has been relieved of the taxes of certain taxpayers in said county, in his settlements for the years one thousand nine hundred twenty-nine, one thousand nine hundred twenty-eight and one thousand nine hundred twenty-seven, in those cases where such taxpayers own no real property, but in many instances are otherwise able to pay their taxes: *Now, therefore*,

The General Assembly of North Carolina do enact:

Tax collecting officer directed to proceed to collect all such taxes.

SECTION 1. That the County Accountant, or other Officer of Alamance County who may have charge of the tax accounts of the said county, be, and he is hereby authorized and empowered to proceed to collect all such taxes, and to the end that the same may be collected, he is further authorized and empowered to make up a list of the names of all such taxpayers and the amounts of the respective taxes owing by them, and the years for which the same are owing, and to certify the same to the Sheriff or Tax Collector of said county, who shall proceed to collect the same in all respects as other taxes are collected.

SEC. 2. That the said Sheriff or Tax Collector of Alamance County, who shall receive the list of such unpaid taxes, is hereby authorized and empowered to collect the same by levy upon personal property and/or garnishment upon the wages of such taxpayers, or sell all his said real property, in the event he shall have acquired real property, in all respects as other taxes are collected, and he shall keep the said amounts so collected separate from his other collections, and return same to the County Accountant of Alamance County.

Powers delegated with respect to such collections.

SEC. 3. That in each instance where it shall appear to the satisfaction of the County Accountant of Alamance County that real property has been sold by the Sheriff of said county, for the collection of taxes, which have not been paid, and that such taxpayer has personal property of sufficient value for the collection of said taxes, then such additional items of taxes may be included in said certificate to the Sheriff or Tax Collector, and he is authorized, empowered and directed to collect the same as herein provided.

Separate accounts to be kept.

Personal property to be sold for back taxes where realty has already been foreclosed.

SEC. 4. That the provisions of this act shall apply to all releases of taxes and certificates of sale that may be made from year to year, subsequent to the year one thousand nine hundred twenty-nine.

Application of Act.

SEC. 5. That all laws and clauses of laws in conflict with the provisions of this act, are hereby repealed.

Conflicting laws repealed.

SEC. 6. That this act shall be in force and effect from and after its ratification.

Ratified this the 9th day of March, A.D., 1931.

CHAPTER 172

AN ACT TO AMEND CHAPTER SIX HUNDRED AND TEN, PUBLIC-LOCAL LAWS, ONE THOUSAND NINE HUNDRED AND TWENTY-SEVEN, RELATING TO FEES IN CRIMINAL CASES IN THE RECORDER'S COURT OF FRANKLIN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That Section one of Chapter six hundred and ten, Public-Local Laws, one thousand nine hundred and twenty-seven, be and the same is hereby amended by striking out the word "five" in line three of said section and inserting in lieu thereof the word "two."

Ch. 610, Public-Local Laws 1927, amended, relating to fees in criminal cases in Franklin County Recorder's Court.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this act shall be in full force and effect from and after its ratification.

Ratified this the 9th day of March, A.D. 1931.

CHAPTER 173

AN ACT TO PROTECT THE FORESTS AND GAME OF MADISON COUNTY.

Preamble:
Failure of Madison County Commissioners to provide for game and forest protection.

Whereas, the Board of County Commissioners of Madison County has, prior to July first, one thousand nine hundred and thirty, participated in game and forest protection, and

Whereas, said Board of County Commissioners did not for months after July first, one thousand nine hundred and thirty, give notice of its withdrawal, and

Whereas, said board has arbitrarily withdrawn its said appropriations against the wishes of a majority of the people of Madison County: *Now, therefore*,

The General Assembly of North Carolina do enact:

Appropriation of \$500 made for purpose as of July 1, 1930.

SECTION 1. That the Board of County Commissioners of Madison County be and the same is hereby authorized and directed to appropriate five hundred dollars per annum, as of July first, one thousand nine hundred and thirty, to be used by the State Department of Conservation and Development in the protection of the forests and game of the county from forest fires. Unto that end it is also directed to provide said sum to be used for this purpose in the budget for the coming fiscal year.

Sum to be budgeted for coming fiscal year also.

SEC. 2. That this act shall take effect from and after its ratification.

Ratified this the 9th day of March, A.D. 1931.

CHAPTER 174

AN ACT TO VALIDATE THE ACTS OF J. H. YELTON, NOTARY PUBLIC OF HENDERSON COUNTY.

Preamble.

Whereas, J. H. Yelton was appointed a notary public of Henderson County, being at the time a United States Commissioner, and

Whereas, various deeds and other paper writings were acknowledged before the said Yelton while attempting to act both as a notary public and a United States Commissioner: *Now, therefore*,

The General Assembly of North Carolina do enact:

Official acts of J. H. Yelton, Notary Public of Henderson County, validated.

SECTION 1. That all deeds, mortgages, and other paper writings acknowledged before, sworn to, or privy examinations taken, by J. H. Yelton are hereby ratified, approved, and in all respects confirmed, and the same shall be as lawful and binding as if done by any other notary public.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 3. That this act shall be in full force and effect from and after its ratification.

Ratified this the 9th day of March, A.D. 1931.

CHAPTER 175

AN ACT TO AMEND CHAPTER SEVENTY-NINE, PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-NINE, PERTAINING TO SPECIAL SINKING FUND OF HENDERSON COUNTY PROVIDED FOR THEREUNDER.

The General Assembly of North Carolina do enact:

SECTION 1. That Section one of Chapter seventy-nine, Public-Local Laws of North Carolina, session of one thousand nine hundred and twenty-nine, be and the same is hereby repealed.

Ch. 79, Public-Local Laws 1929, repealed.

SEC. 2. That all funds that shall hereafter be paid back by the State Highway Commission or the State of North Carolina to Henderson County on account of said loans shall be used by the commissioners of Henderson County to apply on the principal of any bonded indebtedness of Henderson County and for no other purpose; *Provided*, that during any period when none of said bonds shall have matured or be available for retirement, said funds shall be kept in a separate sinking fund; *Provided, further*, that said fund may be deposited in any bank which shall have been duly designated a depository bank for said county; *Provided, further*, that said fund be fully protected dollar for dollar by United States or State of North Carolina bonds.

Loan funds returned to Henderson County by State Highway Commission to be applied on bonded indebtedness.

Special sinking fund set up.

Deposit in bank upon sufficient collateral.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Conflicting laws repealed.

SEC. 4. That this act shall be in full force and effect from and after its ratification.

Ratified this the 9th day of March, A.D. 1931.

CHAPTER 176

AN ACT TO REQUIRE THE CLERK OF THE SUPERIOR COURT OF CASWELL COUNTY AND SURRY COUNTY TO RECORD IN THE ENTIRETY ALL SPECIAL PROCEEDINGS IN SAID COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the Clerk of the Superior Court of Caswell County and Surry County be and he is hereby required to record all Special Proceedings in Caswell County and Surry County, in its entirety, and to charge therefor the sum of ten cents per hundred words which shall be charged in the bill of costs.

Superior Court Clerks of Caswell and Surry Counties required to record Special Proceedings in entirety.

Fees for.

SEC. 2. That all laws and clauses of laws in conflict with this act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this act shall be in force and effect from and after April first, one thousand nine hundred and thirty-one.

Effective April 1, 1931.

Ratified this the 9th day of March, A.D. 1931.

CHAPTER 177

AN ACT TO CREATE A JURY COMMISSION AND A TAX COMMISSION FOR THE COUNTY OF MADISON TO SERVE WITHOUT PAY.

The General Assembly of North Carolina do enact:

Jury Commission named for Madison County, ex-officio members.

To serve without pay.

Chairman and Secretary.

Control of jury system and custody of jury box.

Oath of office.

Revision of jury box and placing of names therein of 600 to 800 citizens.

Division of box into compartments.
Custody of keys.

SECTION 1. That the chairman of the Board of Education, the chairman of the Board of Health, and the Superintendent of Public Schools of Madison County, and their successors in office, be and they are hereby named as a jury commission for the said county of Madison, to serve without pay, and whose term of office shall begin on the first Monday in April, one thousand nine hundred and thirty-one or as soon thereafter as they may qualify, as hereinafter provided. The chairman of the Board of Education shall be chairman and the County Superintendent of Schools shall be secretary of said jury commission.

SEC. 2. That it shall be the duty of the aforesaid commission to have full, complete and absolute control of the jury system for Madison County, and to that end they shall be custodians of the jury box of said county and they shall be charged with placing all names within said box for jury service and shall likewise be charged with the supervision of drawing all names from said jury box for jury duty, as hereinafter provided.

SEC. 3. That on the first Monday in April, one thousand nine hundred and thirty-one, or as soon thereafter as practicable, the aforesaid named commission shall present themselves before the Clerk of the Superior Court for Madison County, or some other person qualified to administer oaths, where they shall all take the oath of office to the effect that they will honestly and conscientiously perform their said duties towards carrying out the provisions of this act without fear or favor to the very best of their ability.

SEC. 4. That immediately after taking their said offices, it shall be their duty to revise the jury box for Madison County by striking out all names which they may find within said box, and by placing in lieu thereof the names of not less than six hundred nor more than eight hundred names of citizens and taxpayers of Madison County. In selecting the aforesaid names, each and every name so selected shall be that of a good, law-abiding, intelligent citizen who does not then stand indicted in the courts on any charge. That in placing said names in said jury box, each name shall be typewritten and shall be cut separate and apart from all the other names.

SEC. 5. That said jury box shall be divided into two compartments, one of which shall be marked number one, and the other of which shall be marked number two, and each of said com-

partments shall be locked with a separate lock, the key to compartment number one to be carried by a certain member of said commission to be named as chairman, and the key to compartment number two to be carried by another member of said commission to be designated as secretary. That it shall be the duty of said commission in first preparing the names of said jury list to place all of said names in compartment number one where they shall remain until same shall be drawn out as hereinafter provided.

SEC. 6. That it shall be the duty of said jury commission to meet in the courthouse in Marshall at such times as is by law provided for a jury to be drawn for each and every court to be held in Madison County and draw the jury as is provided by law.

Meetings for drawing of juries.

SEC. 7. That after said jury shall have thus been drawn, it shall be the duty of said secretary to make and certify a copy of same to the sheriff of said county for the purpose of serving same; to furnish a certified copy thereof to the Clerk of the Superior Court and to retain a copy thereof as a part of the permanent records of the said jury commission.

Distribution of certified copies of lists.

SEC. 8. That at such times as said jury commission are not on duty and in actual charge of said jury box, the secretary shall be the custodian of same, and it shall be his duty to keep same under lock and key at all times so that no other person may have anything to do with same.

Secretary to retain permanent custody of box.

SEC. 9. That on the first Monday in April, one thousand nine hundred and thirty-three, and biennially thereafter, said jury box shall be revised by said jury commission, the same rules governing in revising same as are applicable to the first list going into said box.

Biennial revision of box.

SEC. 10. That the Jury Commission of Madison County composed of the chairman of the Board of Education, chairman of the Board of Health and the County Superintendent of Schools and their successors, shall serve as a Tax Commission for Madison County and shall, from and after the ratification of this act, as is or hereafter may be provided by law, name all county supervisors, tax listers and assessors for Madison County including county, township and all other county supervisors, or supervisors, listers and assessors that are or may hereafter be provided by law. The said commission shall, while acting in the capacity of a Tax Commission, name the salaries to be drawn as is or hereafter provided by law, and make such other rules and regulations as the law governing listers and assessors provides. The said commission shall serve as members of the Equalization Board and shall sit with the County Commissioners as members of said Equalization Board and the two boards shall constitute the Equalization Board of Madison County.

Jury Commission also to serve as Tax Commission.

Duties as such.

To serve also as members of Equalization Board.

Conflicting laws repealed.

SEC. 11. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed insofar as same apply to Madison County.

SEC. 12. That this act shall be in full force and effect from and after its ratification.

Ratified this the 10th day of March, A.D. 1931.

CHAPTER 178

AN ACT AUTHORIZING THE BOARD OF COUNTY COMMISSIONERS OF WAYNE COUNTY TO MAKE CERTAIN ADJUSTMENTS WITH THE FREMONT, MOUNT OLIVE AND GOLDSBORO SPECIAL CHARTER SCHOOL DISTRICTS.

Preamble: Indebtedness of Wayne County to Fremont, Mount Olive and Goldsboro School Districts.

Whereas, the Board of Education of Wayne County and the Board of County Commissioners are indebted to the Fremont Special Charter School District in the sum of eleven thousand nine hundred eighty dollars and forty-four cents (\$11,980.44), and indebted to the Goldsboro Special Charter School District in the sum of forty-nine thousand five hundred thirty-six dollars and thirty-nine cents (\$49,536.39) and indebted to the Mount Olive Special Charter School District in the sum of fifteen thousand five hundred seventy-five dollars and thirty-four cents (\$15,575.34), which amounts have accrued and are due on account of a failure to make proper apportionments and levy a correct amount of taxes for debt service for said districts during the past three years; and,

Whereas, it is not deemed advisable to include in the budget for the current year the full amount required to pay off these amounts to said districts; and,

Agreement between County and Districts to amortize debts over period of 15 years.

Whereas, it has been mutually agreed that the county shall assume the payment of said amounts and pay the same in equal annual installments over a period of fifteen years, said installments to bear interest at the rate of five per cent (5%) per annum, from January first, one thousand nine hundred and thirty-one, payable annually until paid: *Now, therefore*,

The General Assembly of North Carolina do enact:

County and Districts empowered to enter into contracts for such amortization.

SECTION 1. That the Board of County Commissioners of Wayne County and the Fremont Special Charter School District, the Goldsboro Special Charter School District and the Mount Olive Special Charter School District be and they are hereby authorized and empowered to enter into a contract or contracts whereby the county of Wayne shall agree to pay to said three

special charter school districts of Wayne County the following amounts, to-wit:

Fremont Special Charter School District...\$11,980.44 ✓
 Goldsboro Special Charter School District... 49,536.39 ✓
 Mount Olive Special Charter School District 15,575.34 ✓

SEC. 2. That these respective amounts shall be payable to said respective Special Charter School Districts in fifteen equal annual payments with interest at the rate of five per cent (5%) per annum from January first, one thousand nine hundred and thirty-one, the first payment to be made during the year one thousand nine hundred and thirty-two and the first payment of interest to be made on the same date that the first annual installment of the principal is paid during the year one thousand nine hundred and thirty-two and annually thereafter. Said contract or contracts shall be in such form as may be approved by the Board of Commissioners of Wayne County and shall be executed at such time or times as said Board of County Commissioners of Wayne County may deem advisable and after the ratification of this act.

Interest rate and date of installments.

Form of contracts.

SEC. 3. That the Board of County Commissioners of Wayne County shall be and is hereby authorized, empowered and directed to levy a tax each year sufficient to pay the annual installments provided for and all interest as it may accrue and become due and payable.

County directed to levy tax sufficient for purpose.

SEC. 4. Upon the ratification of this act and execution and delivery of the contracts provided for herein, the Board of Education of Wayne County shall be and is hereby released from further liability on account of the items heretofore referred to.

Release of Board of Education from liability.

SEC. 5. That this act shall be in full force and effect from and after its ratification.

Ratified this the 10th day of March, A.D. 1931.

CHAPTER 179

AN ACT TO AMEND CHAPTER TWO HUNDRED THIRTY-TWO OF PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED TWENTY-NINE RELATIVE TO THE SALARY OF THE JUDGE AND SOLICITOR OF THE GENERAL COUNTY COURT IN WILSON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That Section one of Chapter two hundred thirty-two of the Public-Local Laws of North Carolina to be amended as follows: "The last proviso in such section is hereby stricken out and the following inserted in lieu thereof: 'Provided, further, that the salary of the Judge of the General County Court

Ch. 232, Public-Local Laws 1929, amended.

Salary of Judge of Wilson County Recorder's Court, \$3,000.

of Wilson County shall be fixed by the Board of Commissioners of Wilson County at not less than three thousand dollars (\$3,000.00) per annum, to be paid monthly out of the general county funds.'"

Law again amended.

Salary of Solicitor, \$2,100.

SEC. 2. That Section two of Chapter two hundred thirty-two of the Public-Local Laws of one thousand nine hundred twenty-nine be amended as follows: By striking out the last proviso in Section two and inserting the following in lieu thereof: "*Provided, further*, that the salary of the Solicitor of the County Court of Wilson County shall be fixed by the Board of Commissioners of Wilson County at not less than two thousand one hundred dollars (\$2,100.00) per annum, to be paid monthly out of the county general fund."

SEC. 3. This act shall be in force from and after its ratification.

Ratified this the 10th day of March, A.D., 1931.

CHAPTER 180

AN ACT TO PROTECT FOXES IN WILKES COUNTY.

The General Assembly of North Carolina do enact:

Unlawful to hunt foxes in Wilkes County except with dogs.

Unless caught destroying domestic animals.

Violation of act made misdemeanor; punishment.

Applicable only to Wilkes County.

Conflicting laws repealed.

SECTION 1. That it shall be unlawful to hunt, trap, snare, shoot, dig out of ground or otherwise kill any red or gray fox, or their young, other than with dogs: *Provided, however*, that any person may shoot or kill any gray or red fox at any time when same is caught in the act of destroying fowls or other domestic animals.

SEC. 2. That any person convicted of violation of this act shall be fined not more than fifty dollars or imprisoned not exceeding thirty days.

SEC. 3. That this act shall only apply to Wilkes County.

SEC. 4. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 5. That this act shall be in full force and effect from and after its ratification.

Ratified this the 10th day of March, A. D. 1931.

CHAPTER 181

AN ACT TO PROVIDE FOR THE ELECTION OF A COUNTY ATTORNEY OF MADISON COUNTY.

The General Assembly of North Carolina do enact:

Method of selecting Madison County Attorney.

SECTION 1. That it shall be unlawful for any governing board of the county of Madison to elect a county attorney in any manner, save as provided in Section two of this act.

SEC. 2. On or before the first day of April, one thousand nine hundred and thirty-one, the Board of Commissioners, Board of Education, Board of Health and any other board or commission created by the present General Assembly, shall meet in joint session to elect a county attorney for Madison County for the year ensuing the election. At this joint meeting, these various boards and commissions shall vote as individuals and not as boards or commissions. A majority of the whole number of these boards or commissions shall constitute a quorum and a majority of said boards or commissions shall vote for a particular candidate before he should be declared elected.

Time of selection.
County Boards and Commissions to make selection.

SEC. 3. After the selection of a county attorney, in the manner and form as provided in Section two, said county attorney shall be the legal advisor of all officers of the county for the ensuing year, except where the interest of any officer is opposed to that of the county and he shall be allowed such salary for the ensuing twelve months as the joint meeting shall vote, to be paid monthly out of the general county fund.

Quorum.

Duties of County Attorney.

SEC. 4. Said county attorney, so selected, shall conduct all actions brought by the county for the foreclosure of tax certificates and shall conduct or defend all other actions brought by the county or any board thereof or brought against the county or any board thereof, and shall receive for said additional services such compensation as may now or hereafter be provided by law.

To represent County in suits and in foreclosure of tax certificates.

Compensation.

SEC. 5. All laws and clauses of laws in conflict with this act are hereby repealed.

Conflicting laws repealed.

SEC. 6. This act shall take effect from and after its ratification.

Ratified this the 10th day of March, A.D. 1931.

CHAPTER 182

AN ACT TO REGULATE THE DRAWING OF JURORS FOR THE RECORDER'S COURT FOR HALIFAX COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the Sheriff and Register of Deeds of Halifax County on the Thursday before the first and third Tuesdays in each month shall cause, in the same manner as is now provided by law for drawing jurors for the Superior Court, to be drawn from the jury box of Halifax County twelve jurors, who shall serve in the Recorder's Court in Halifax County. The jurors so drawn shall appear on the first and third Tuesdays of each month and shall serve until all jury trials in the Recorder's Court for that week are disposed of.

Method of drawing juries for Halifax County Recorder's Court.

- Jury of six. Challenges. SEC. 2. That the jury in the Recorder's Court shall consist of six jurors and shall be subject to the same challenges as now are provided by law for regular jurors.
- Conflicting laws repealed. SEC. 3. That all laws inconsistent herewith are hereby repealed.
- SEC. 4. That this act shall be in force from and after its ratification.
- Ratified this the 10th day of March, A.D., 1931.

CHAPTER 183

AN ACT TO CREATE A COUNTY SINKING FUND COMMISSION FOR MADISON COUNTY AND PROVIDE THE DUTIES THEREOF.

The General Assembly of North Carolina do enact:

- Title of act. SECTION 1. That this act shall be known as the Madison County Sinking Fund Act.
- Madison County Sinking Fund Commission created; personnel. SEC. 2. That the Madison County Sinking Fund Commission is hereby created, the members of which are J. O. Wells, Ira Plemons and Wayne Peek; and their term of office shall expire in six years from the date of the ratification of this act, and from and after their successors have been appointed and qualified. The Sinking Fund Commission shall meet as early as practicable after the ratification of this act, and organize by electing one of their members chairman and one secretary, and adopt rules for its government and the conduct of its affairs, in accordance with the provisions of this act, not inconsistent with the State Sinking Fund Laws, or rules laid down by the State Sinking Fund Commission. Should any member for any cause cease to serve the remaining members shall elect a successor to fill said vacancy.
- Organization. SEC. 3. That the chairman and secretary of the Sinking Fund Commission shall notify the members of the Board of County Commissioners to meet in joint session with the Sinking Fund Commission, not later than the first Monday in April, one thousand nine hundred and thirty-one, for the purpose of said Board of County Commissioners settling with the Sinking Fund Commission for all sinking funds that have been levied and collected as taxes in Madison County from the rate levied by said county for bonded indebtedness, or bonded indebtedness and interest: *Provided*, said County Commissioners shall be required to deposit in the County Treasury of Madison County all cash that has been levied and collected for the payment of bonded indebtedness of said county or its subdivisions, except amounts that have been applied to the payment of bonds and interest from which said sinking funds were collected.
- Vacancy appointments.
- County officials to turn over to Commission all sinking funds of County.
- Cash collected for debt service to be deposited in County Treasury.

SEC. 4. The said Madison County Sinking Fund Commission shall have absolute control as custodians of the sinking funds of the county and its subdivisions, for the purpose of transferring or depositing, or the investment thereof, or for the purpose of paying maturing bonds or interest thereon.

Commission to be custodians of all sinking funds.

The County Treasurer of Madison County shall be ex-officio treasurer of the Sinking Fund Commission of Madison County and shall be liable under this act as treasurer of the said Sinking Fund Commission for any and all sinking funds in his custody as treasurer, and his official bond shall be made to comply with the provisions of this act.

County Treasurer to act as Commission Treasurer.

The sinking funds of Madison County shall be invested or deposited in some bank or trust company in the State of North Carolina designated by said Sinking Fund Commission, but none of the funds of Madison County shall be loaned to any of the departments of government of Madison County, or transferred or used for any other purpose other than that for which it was collected, except for investment or deposit thereof by said Sinking Fund Commission, and when invested or deposited by the commission it shall be guaranteed by:

Deposit and investment of sinking funds.

- (a) Bonds of the United States;
- (b) Bonds or notes of the State of North Carolina;
- (c) The bond of a reputable bonding or indemnity company licensed to do business by the Insurance Commission of the State of North Carolina.

Designation of collateral to be demanded.

The interest and revenue received upon securities held for any sinking fund and any profit made on the resale thereof shall become and be a part of such sinking fund.

Interest and other revenue to go into sinking fund affected.

SEC. 5. The County Commissioners of Madison County are directed and required, and shall immediately after the ratification of this act, transfer to the Sinking Fund Commission of the county of Madison, all certificates of deposit, open accounts, notes, bonds and collaterals of each and every nature pertaining to sinking funds of the county or any of its subdivisions. The said County Commissioners shall also deliver to the Sinking Fund Commission the bonds of the chairman of the County Commissioners, the chairman of the Board of Education, Clerk of the Court, Tax Collector, Auditor, Register of Deeds, and the bonds made by the Treasurer of Madison County for funds belonging to Madison County or any of its subdivisions of government; and said Sinking Fund Commission shall examine all bonds and approve or disapprove, and if in their judgment any bond is inadequate to serve the purpose for which it was made, they may take additional surety, and if the bond be made by a bonding company, the County Commissioners shall pay the premium on any bonds bought by the Sinking Fund Commission.

All deposits, bonds, etc., to be turned over to Commission.

Official bonds also to be turned over.

Approval or disapproval of official bonds.

From and after the ratification of this act the Sinking Fund Commission is charged with the duty of securing such bonds as may be necessary to safeguard all funds of Madison County or any of its subdivisions of government, and to pass upon and approve all the official bonds of county officials of said county. Said Sinking Fund Commission shall rent a safety deposit box in some bank in the State of North Carolina and deposit all notes, bonds, collaterals, securities of each and every kind in said deposit box, and there shall be two keys for said lock box, not in duplicate, one key to be retained by the chairman of the Sinking Fund Commission and one to be retained by the Treasurer of Madison County, to the end that said lock box cannot and shall not be opened except in the presence of, and by the keys of, each of said officers. The County Commissioners shall pay the rent on the deposit box, and three dollars per day and five cents per mile each way to the members of the Sinking Fund Commission for not more than twelve days annually while in the performance of their official duties, and said payments shall be made from the general county funds.

Safe deposit box to be rented to safeguard all securities, etc.

Disposition of keys to such box.

Box rent.

Compensation of Commission.

Obtaining legal advice for Commission.

SEC. 6. Should it be necessary for the Sinking Fund Commission to obtain legal advice in any manner, other than that of the County Attorney, the County Commissioners shall pay for said legal advice from the general county funds in a sum not greater than that recommended by the Sinking Fund Commission: *Provided*, such legal advice cannot be obtained from the Attorney General or the State Sinking Fund Commission.

Weekly deposit of all debt service collections.

The Tax Collector is authorized and directed and required to deposit in the county treasury weekly to the credit of the Sinking Fund Commission, all funds by him collected as taxes from the levy made by the county annually for bonded indebtedness and interest, and he shall in like manner deposit all the sinking funds collected from special road taxing districts for the payment of bonded indebtedness and interest.

Certain sinking fund to be surrendered to Commission upon demand.

The County Commissioners shall when called upon by the Sinking Fund Commission of Madison County, place in the treasury the one hundred and thirty-four thousand, eight hundred thirty dollars and fifty-one cents, sinking fund, as shown by exhibit eight, page eleven, of the Audit of Madison County, as of June thirtieth, one thousand nine hundred and thirty, and all other sinking funds collected and to be collected since said date.

Certain acts made felonies in connection with mishandling funds.

SEC. 7. Any treasurer of Madison County or any official or agent of said treasurer who shall accept any funds of Madison County or any of its subdivisions, without being securely bonded by a reliable bonding company, or having up with the Sinking Fund Commission sufficient bonds of State or Government to guarantee and protect the funds referred to in this act; and

any person or persons or officials of Madison County who shall alter or change any contract with the County Treasurer or any bonding company or any bank or trust company or corporation, so as to jeopardize the collection of sinking funds in any way, or release any bonding company from the payment of its bond, shall be guilty of a felony, and, upon conviction, shall be fined ten thousand dollars or imprisoned in the State Prison not more than ten years, or both, in the discretion of the court.

Punishment.

It is further provided that if the treasurer, or treasurers, of Madison County shall resign or fail to qualify under the terms of this act, that the Sinking Fund Commission shall then designate a treasurer, or treasurers, under the terms and conditions set out in Chapter two hundred and one of the Public-Local Laws of one thousand nine hundred and seventeen.

Commission to make vacancy appointments in office of County Treasurer.

SEC. 8. *Whereas*, it appears that Chapter seventeen of the Public Laws of one thousand nine hundred and twenty-five was passed in part to ratify and confirm and authorize the acts of the County Commissioners of Madison County in the use of "about eleven thousand dollars of sinking funds of Madison County"; the Sinking Fund Commission is directed and shall audit the records of Madison County and ascertain what disposition was made of the "about eleven thousand dollars," referred to in Chapter seventeen of the Public Laws of one thousand nine hundred and twenty-five, and all other sinking funds from said date to the present time, and ascertain and collect the amounts of all sinking funds collected for Madison County, or any of its subdivisions, from the time the "about eleven thousand dollars" of sinking funds was spent to pay the salaries of the officials and other current expenses, and take such legal action of which they may be competently advised.

Commission directed to make investigation into handling of certain sinking fund of \$11,000.

Legal action may be taken.

SEC. 9. The intent and purpose of this act is to keep securely the sinking funds of Madison County, and its subdivisions, in such manner that when deposited or invested by the Sinking Fund Commission it will be secured as required by this act.

Intent and purpose of act.

The Sinking Fund Commission shall keep the sinking funds of the county and the townships separate and apart on their records, and shall demand and receive in settlement by the County Commissioners the full amount of all sinking funds belonging to the county and its subdivisions.

Separation of County and township sinking funds.

SEC. 10. That if any member of the Madison County Sinking Fund Commission or member of the County Commissioners, or treasurer, or anyone in the employ of the treasurer, or auditor, or tax collector, or any one handling funds of Madison County, shall embezzle or otherwise wilfully or corruptly use or misapply any funds for any other purpose other than that for which it was collected and held, such person shall be guilty of a felony and, shall upon conviction, be fined not more than ten thousand

Embezzlement of funds made felony.

Punishment.

Expenditure of money for other purposes than that for which collected prohibited.

Investigation by Commission of drawing of money in excess of salaries.

Report to Solicitor.

Transfer of funds to checking account.

Commission's vouchers to be honored.

Disposition of collateral and application of proceeds.

Calling official bonds.

Deposit and investment of funds.

dollars and imprisoned in the State Prison not more than twenty years, or both, in the discretion of the court. The County Commissioners of Madison County shall not spend any tax money collected for Madison County, or its subdivisions, for any other purpose other than that for which it was collected, and if at the end of the fiscal year a balance remains in the treasury to the credit of any of the departments of government for which said fund was collected, it shall be transferred to the same fund for the preceding year and deducted from the budget when made; and it shall be the duty of the Sinking Fund Commission to see that the provisions of this section are complied with.

SEC. 11. *Whereas*, it appears from the audit of Madison County for the year ending June thirtieth, one thousand nine hundred and thirty, as submitted by Albert H. Blake, a public accountant of Asheville, for Madison County, that certain county officials of the county of Madison did draw for the year ending June thirtieth, one thousand nine hundred and thirty, large sums of money in excess of the salaries provided by law, it shall be the duty of the Madison County Sinking Fund Commission to investigate said payments in excess of legal salaries authorized for Madison officials and report their findings to the solicitor for the Nineteenth Judicial District.

SEC. 12. It shall be the duty of the County Treasurer of Madison County to transfer any and all funds in his hands to a checking account when ordered so to do by the Sinking Fund Commission of the said county, and the treasurer shall honor and pay all vouchers properly signed by the chairman and secretary of the commission, and at any time the treasurer fails to transfer sinking funds by him held to a checking account, payable upon the order of the Sinking Fund Commission, the said commission may dispose of collaterals or bonds or notes held by them as security for said funds and apply the proceeds to the payment of such obligation due from said treasurer; or if any treasurer of Madison County shall refuse to pay out any sinking fund by him held, wherein the County Commissioners or Sinking Fund Commission holds a bond made by a bonding company to secure the payment of sinking funds, said commission shall demand payment by said bonding company and proceed to collect from the bonding company. The auditor of Madison County shall prepare vouchers for the Sinking Fund Commission and audit any of said vouchers that are made for the purpose of transferring sinking funds or investing or paying interest or bonded indebtedness of the county, and said auditor shall endorse said voucher. The Sinking Fund Commission shall have power to transfer and deposit or invest all or any part of the sinking funds of Madison County, or pay maturing interest or bonds of Madison County; but the said

Sinking Fund Commission shall not at any time handle said sinking funds, except as custodians of said funds through the bonded treasurer; and the commission shall not draw any part of said funds as expense or salary; but the County Commissioners shall pay such expense and per diem and mileage, as is hereinbefore set out, from the general county funds.

Funds not to be used for salaries and expenses.

SEC. 13. Said Sinking Fund Commission shall serve as a County Budget Commission whose duties are as follows: to study and examine the budgets of various departments of the county government, and finally approve the amount that is necessary to operate the different departments of Madison County. The Board of Education, County Commissioners and all other heads of departments in charge of the functions for which county money or money of subdivisions is to be expended, shall file with the Budget Commission before the first day of June of each year:

Commission to serve as County Budget Commission.

Department heads to file estimates with Commission.

(a) A complete statement of the amounts expended and estimated to be expended for each object in his department in the current fiscal year.

Enumeration of estimates to be filed.

(b) An estimate of the requirements of his department for each object in the ensuing year. Such statements and estimates shall list each object of disbursement under the appropriate case of functions.

Said Sinking Fund Commission shall act in the capacity of a Budget Commission; shall finally pass on all the budgets of the departments of the county; and the Board of County Commissioners are directed and empowered to levy a tax rate sufficient to produce the amount approved by the Budget Commission, to be raised from taxes, but in no event shall the Budget Commission increase the budget submitted by the County Commissioners, but may order same lowered within five days after it is submitted to them, but not until public hearings have been had at the County Courthouse after notice published in the newspaper in said county having the largest circulation, the notification of each county officer in writing, and the posting of the notice of same at the courthouse door in Marshall, North Carolina. After the said public hearing, the said Budget Commission shall immediately report their findings in writing, after passing a resolution covering same, and within five days after the receipt of said findings by the County Commissioners, said County Commissioners shall adopt said budget in toto, and if said County Commissioners within said time shall fail to adopt said budget, then in that event the Budget Commission shall declare same to be the budget for Madison County for the next ensuing year; and the County Commissioners shall abide by said decision. Any Board of Commissioners that levies a tax for more money than is approved in the budget shall be subject,

Duties of Commission in approving or disapproving budgets of County.

Lowering of budgets after public hearing.

Adoption of budget.

Levying tax higher than budget subjects County Commissioners to removal.

Certain budgets not to be altered. upon conviction, to removal from office; *Provided*, that the Sinking Fund Commission shall not alter or change the budget with reference to the County Farm or Home Demonstration Agents.

Vacaney appointment of Auditor. SEC. 14. Should the Auditor of Madison County, for any cause, cease to act as auditor, the Sinking Fund Commission shall appoint his successor.

Constitutional parts of act upheld. SEC. 15. That if any part or section of this act should be declared unconstitutional or invalid by the Supreme Court of the State of North Carolina, that it shall in no wise effect the remainder of said act, and that the remainder shall remain in force and effect.

Conflicting laws repealed. SEC. 16. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 17. That this act shall be in force from and after its ratification.

Ratified this the 10th day of March, A.D. 1931.

CHAPTER 184

AN ACT TO PERMIT THE BOARD OF COMMISSIONERS OF JACKSON COUNTY TO HYPOTHECATE CERTIFICATES OF TAX SALES HELD BY THAT COUNTY AND TO DELAY FORECLOSURE PROCEEDINGS THEREUPON.

The General Assembly of North Carolina do enact:

Tax sales certificates to be segregated in Jackson County.

SECTION 1. The board of commissioners of the county of Jackson are hereby authorized and empowered to set aside any or all unpaid tax sales certificates of the year one thousand nine hundred thirty-one, and prior thereto, which are now and may hereafter be owned by the said county; keep an individual record of each of said tax sales certificates in a book set up for that purpose. These tax certificates shall each be examined by the county attorney, who shall make a sworn statement that he has investigated said certificates; that they are legal and correct in form, and that the necessary procedure has been followed in obtaining said certificates.

Permanent record.

Examination and certification by County Attorney.

Sworn statement as to value of lands represented thereby.

These certificates shall also be accompanied by a sworn statement of the chairman of the Board of County Commissioners that he has made careful inquiry and investigation as to the value of the lands contained in each certificate, and that from his best information and belief, said lands would bring, at forced sale, a sum ample to cover the face value of said certificates, plus the interest, penalties and costs. All of such tax sales

certificates shall be segregated and kept separate and apart as a distinct fund to be applied as hereinafter stated.

SEC. 2. That the said Board of Commissioners with the approval of the Local Government Commission and in accordance with the rules and regulations of said commission is hereby authorized and empowered to issue non-taxable notes in amounts not to exceed eighty-five per cent of the total face value of said certificates. Said notes are to be issued in amounts of five hundred dollars and one thousand dollars each, and may be sold at public or private sale. They shall be payable on or before a date not to exceed three years from the date of their execution and delivery. They shall bear a rate of interest not to exceed six per cent per annum, payable semi-annually, and they shall not be subject to taxation by the State or any subdivision thereof. There shall be a statement upon the face of these notes that the payment thereof is secured by the tax certificates, hereinbefore described, and they shall be a specific obligation of the special fund herein created.

Said Board of Commissioners are, however, authorized and empowered and required to assume and pay any balance of said notes left unpaid after application to them of all funds received from the certificates of tax sales hypothecated as security for said notes.

SEC. 3. All payments made at the collection of said tax sales certificates shall be placed and kept in a separate and distinct fund, to be known as the "Note Redemption Fund," and this fund shall be invested in securities in which the State Sinking Fund Commission is authorized to invest State sinking funds under Chapter sixty-two, Public Laws of one thousand nine hundred twenty-five, and amendments thereto, and it shall be a felony for any member of the Board of Commissioners or the board itself, or any officer of the county having control of said fund, to use or divert it, or any part thereof, to other purposes than the retirement of said notes.

SEC. 4. The time for obtaining judgment on the foreclosure of said certificates, as contained in the acts of one thousand nine hundred twenty-seven and one thousand nine hundred twenty-nine, relating thereto, shall automatically, upon the ratification of this act, be extended to thirty days after the due date of said notes. The ratification of this act shall operate, also, as a stay of all proceedings brought by the said county on tax sales certificates in which sale has not been had under a final judgment in the cause, and the certificates on which suits are now pending and any on which there has not been a sale under final judgment shall be treated as tax sales certificates for the purpose of this act.

Issuance of notes upon such tax sales certificates up to 85% thereof.

Denominations and sale.

Interest rate.

Not subject to taxation.

Deficiency to be made up after application of certificates to notes.

Collections on certificates to be kept in separate fund.

Investment of public funds therein allowed.

Diversion of fund made felony.

Foreclosure on certificates delayed to 30 days after due date on notes.

Proceedings stayed.

Numbering and registration of notes in separate book.

Change of ownership to be recorded.

Interest paid from fund.

Act made applicable to Town of Sylva.

Constitutional parts of act upheld.

SEC. 5. The notes herein authorized shall be consecutively numbered and registered in a book provided for that purpose, and in this book shall be recorded the owner of each note, with his address. Payments of interest and principal shall be made at proper times to said record owner only. If said notes, or any one of them, shall be sold by the owner, such change in ownership must be made upon the record books so required to be kept, that the county may be protected in making payment of interest and principal upon these notes.

SEC. 6. As the interest becomes due upon these notes, it shall be paid from the fund thus provided at the time it is due, according to the contract.

SEC. 7. The privileges of this act are hereby extended to the town of Sylva in Jackson County, and the board of aldermen of said town with the approval of the Local Government Commission and in accordance with the rules and regulations of said Commission are hereby authorized and empowered to issue similar notes under the same terms and conditions and in the same manner as hereinbefore provided for the county of Jackson.

SEC. 8. If any clause or sentence or section of this act shall be declared unconstitutional, it shall not affect the validity of the remainder of the act, or any part thereof.

SEC. 9. This act shall take effect from and after its ratification.

Ratified this the 10th day of March, A.D. 1931.

CHAPTER 185

AN ACT TO PROVIDE FOR RECORDING INSTRUMENTS FILED IN THE OFFICE OF THE REGISTER OF DEEDS AND OF THE CLERK OF SUPERIOR COURT OF ANY COUNTY BY PHOTOGRAPHY.

The General Assembly of North Carolina do enact:

Recording of instruments by photostatic copy in offices of registers of deeds and clerks of Superior Court.

SECTION 1. That the Board of County Commissioners of any county are hereby authorized and empowered to provide for photographic or photostatic recording of all instruments filed in the office of the Register of Deeds and in the office of the Clerk of the Superior Court and of such offices as said board may deem such recording feasible. The Board of County Commissioners may also provide for filing such copies of said instruments in loose leaf binders.

SEC. 2. That this act shall apply only to the following counties: Guilford, Mecklenburg, Lee, Moore, Buncombe.

Applicable to Guilford, Mecklenburg, Lee, Moore and Buncombe Counties. Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this act be and are hereby repealed.

SEC. 4. That this act shall be in force and effect from and after its ratification.

Ratified this the 10th day of March, A.D., 1931.

CHAPTER 186

AN ACT RELATING TO SPECIAL TAX FOR BONDS HERETOFORE ISSUED BY BLACK MOUNTAIN TOWNSHIP IN BUNCOMBE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That hereafter the special tax to pay principal and interest on road and bridge bonds heretofore issued by Black Mountain Township and now outstanding shall be levied county-wide in Buncombe County, and the commissioners of Buncombe County are hereby authorized and empowered to assume the payment of bonds heretofore issued by Black Mountain Township for road and bridge purposes, and the said bonds hereafter shall become county-wide obligations.

SEC. 2. That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 11th day of March, A.D. 1931.

Special tax for road and bridge bonds in Black Mountain Township, Buncombe County, to be County-wide.

Conflicting laws repealed.

CHAPTER 187

AN ACT TO AMEND CHAPTER FOUR HUNDRED THIRTY-THREE PUBLIC-LOCAL LAWS, ONE THOUSAND NINE HUNDRED TWENTY-NINE, RELATIVE TO RECORDER'S COURT OF FRANKLIN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter four hundred and thirty-three, Public-Local Laws, one thousand nine hundred and twenty-nine, be and the same is hereby amended by adding after Section two thereof a new section as follows:

"SEC. 2½. That there shall be taxed in the bill of costs a fee of four dollars to be paid to the judge in each civil action."

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 3. That this act shall be in full force and effect from and after its ratification.

Ratified this the 11th day of March, A.D. 1931.

Ch. 433, Public-Local Laws 1929, amended.

Fees of Franklin County Recorder in civil actions. Conflicting laws repealed.

CHAPTER 188

AN ACT TO VALIDATE CERTAIN OFFICIAL ACTS OF H. G. BARLOW AND W. W. TURNMIRE AS JUSTICES OF THE PEACE IN CALDWELL COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That all acts done by H. G. Barlow and W. W. Turnmire, as Justices of the Peace, in Caldwell County, from December first, nineteen hundred thirty, be, and the same are

Official acts of H. G. Barlow and W. W. Turnmire, J. P's of Caldwell County, validated.

Pending litigation unaffected.

Conflicting laws repealed.

hereby declared legal acts of Justices of the Peace, and, as such, are declared binding from the date of said acts: *Provided*, this act shall not apply to pending litigation.

SEC. 2. That all laws and clauses of laws in conflict with this act are hereby repealed to the extent of such conflict.

SEC. 3. That this act shall be in force and effect from and after its ratification.

Ratified this the 12th day of March, A.D., 1931.

CHAPTER 189

AN ACT TO PROHIBIT THE SALE OF CORN AND SOJA BEANS IN CURRITUCK AND HERTFORD COUNTIES BETWEEN THE HOURS OF SUNSET AND SUNRISE.

The General Assembly of North Carolina do enact:

Purchase of corn or soja beans between sunset and sunrise prohibited.

Minimum amount.

Purchase made prima facie case for State.

Applicable only to Currituck and Hertford Counties.

SECTION 1. That any person who shall buy, sell, deliver, transport or receive, for a price or for any reward whatever, any corn in the ear, or shelled, or soja beans, of a less amount than five bushels, between the hours of sunset and sunrise, he shall be guilty of a misdemeanor, and upon conviction, shall be punished not exceeding fifty dollars or imprisoned not exceeding thirty days.

SEC. 2. That in all prosecutions under this section it shall be necessary for the State only to allege and prove that the defendant bought or received the corn as charged, and the burden shall be upon the defendant to show that, in all other respects, the provisions of this act have been complied with.

SEC. 3. That this act shall apply only to the Counties of Currituck and Hertford.

SEC. 4. This act shall be in full force and effect from and after its ratification.

Ratified this the 12th day of March, A.D., 1931.

CHAPTER 190

AN ACT TO CONFER UPON THE FIREMEN OF THE TOWNS OF WASHINGTON COUNTY THE RIGHT TO POLICE AND PRESERVE ORDER AT FIRES.

The General Assembly of North Carolina do enact:

Fire departments of towns in Washington County given police powers in and around fires.

SECTION 1. That in all cases when a fire company or department, either volunteer or otherwise, of any city or town in Washington County shall respond to any alarm of fire at any place in Washington County, regardless of whether the scene of fire be within or without the corporate limits of the town or

city to which said fire company or department belongs, or be within the corporate limits of another city or town, or without the corporate limits of any city or town, such fire company or department so responding shall be in full and complete charge and control of the scene of such fire and all such surrounding territory as may in the opinion of such fire company or department be necessary for the proper combat of such fire, and may eject all such persons therefrom as they may deem proper, and may arrest without warrant any person failing or refusing to obey any orders given by any member of such fire company or department within such proximity of such fire, or in any manner interfering with any member of such fire company or department, or anyone acting in their aid, or interfering with any equipment being used or intended for use in fighting fire.

SEC. 2. Any person who shall in any manner interfere with any member of a fire company or department, or any person acting in their aid, or any equipment in use, or intended for use, in fighting fire, at any place or in any manner as set out in section one hereof shall be guilty of a misdemeanor and shall be fined or imprisoned in the discretion of the court.

Interference with fire department made misdemeanor.

SEC. 3. All laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Conflicting laws repealed.

SEC. 4. That this act shall be in full force and effect from and after its ratification.

Ratified this the 12th day of March, A.D., 1931.

CHAPTER 191

AN ACT TO REGULATE THE CLOSING OF FILLING STATIONS AND PLACES OF BUSINESS ON SUNDAY IN FRENCHES CREEK TOWNSHIP, BLADEN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person, firm or corporation to operate any filling station, store, cafe or other place of business within a mile of any church in Frenches Creek Township, Bladen County, on Sunday between the hours of ten A. M. and one P. M. and between the hours of seven and nine P. M.

Sunday closing hours of filling stations, etc., in Frenches Creek Township, Bladen County.

SEC. 2. That any person violating the provisions of section one of this act shall be guilty of a misdemeanor and upon conviction fined not more than fifty dollars or imprisoned not more than thirty days.

Violation made misdemeanor.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Conflicting laws repealed.

SEC. 4. That this act shall be in full force and effect from and after its ratification.

Ratified this the 12th day of March, A. D., 1931.

CHAPTER 192

AN ACT TO REPEAL CHAPTER FOUR HUNDRED FIFTY-FIVE OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED TWENTY-SEVEN, AND TO EMPOWER THE BOARD OF COMMISSIONERS OF GASTON COUNTY TO FIX THE SALARIES OF THE DEPUTY CLERK AND DEPUTY REGISTER OF DEEDS OF GASTON COUNTY.

The General Assembly of North Carolina do enact:

Ch. 455, Public-Local Laws 1927, repealed.

Gaston County Commissioners to fix salaries of Deputy Clerk Superior Court and Deputy Register of Deeds.

Minimum and maximum.

Conflicting laws repealed.

SECTION 1. That Chapter four hundred and fifty-five, of the Public-Local Laws of one thousand nine hundred and twenty-seven, be and the same is hereby repealed.

SEC. 2. That the Board of County Commissioners of the County of Gaston be and it is hereby authorized and empowered, in its discretion, to fix the salaries of the Deputy Clerk of the Superior Court and Deputy Register of Deeds in such an amount as it shall deem adequate and just, each of said salaries, however, shall not be less than fifteen hundred (\$1500.00) dollars nor more than the sum of two thousand one hundred dollars (\$2,100.00) per annum.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 4. That this act shall be in full force and effect from and after its ratification.

Ratified this the 12th day of March, A.D., 1931.

CHAPTER 193

AN ACT TO ALLOW THE BOARD OF COMMISSIONERS OF THE COUNTY OF BUNCOMBE TO AID IN RE-OPENING THE BILTMORE-OTEEEN BANK OF BUNCOMBE COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Buncombe County authorized to aid in re-opening Biltmore-Oteen Bank by freezing deposits.

SECTION 1. That the Board of Commissioners of the County of Buncombe be and they are hereby authorized in their discretion to enter into a contract with the Biltmore-Oteen Bank of Buncombe County in the event that said bank is permitted to re-open by the Corporation Commission whereby the funds of said Buncombe County on deposit in said bank at the time of its suspension of business may remain in said bank and not be withdrawn except at certain stated times and intervals to be mutually agreed upon by and between the Board of Directors of said bank and the Board of Commissioners of the County of Buncombe.

SEC. 2. That the Board of Commissioners of the County of Buncombe shall retain any collateral and/or guaranty it now holds securing its deposits in said bank at the time said bank suspended: *Provided, however*, that as such collateral is collected by the said Buncombe County Commissioners the amount so collected shall be credited against the deposits for which the collateral was given as security: *Provided, further*, that nothing in this act shall relieve said bank or any guarantors upon any bond or contract heretofore executed to guarantee the deposits heretofore placed in said bank nor shall it relieve said bank from its duty to allow withdrawals of deposits in accordance with the terms and conditions of any contract which may be entered into pursuant to the provisions of this act.

Retention and collection of collateral.

Guarantors of deposits not relieved.

SEC. 3. That all laws and clauses of laws in conflict with this act be and they are hereby repealed.

Conflicting laws repealed.

SEC. 4. That this act shall be in full force and effect from and after its ratification.

Ratified this the 12th day of March, A.D., 1931.

CHAPTER 194

AN ACT TO AMEND CHAPTER THREE HUNDRED AND SIXTY-SEVEN, PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-NINE, FIXING THE FEES OF THE SHERIFF OF CALDWELL COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter three hundred and sixty-seven, Public-Local Laws of one thousand nine hundred and twenty-nine, be and the same is hereby amended to read as follows:

Ch. 367, Public-Local Laws 1929, amended.

"SECTION 1. That the sheriff of Caldwell County shall be allowed the following fees and expenses for the services herein set out to wit:

Enumeration of fees chargeable by Caldwell County Sheriff.

For service of summons, one dollar; for service of subpoena, fifty cents; for serving warrant, one dollar and fifty cents; for serving capias, one dollar; for summoning a special venire, twenty-five cents each, except that when such venire shall be ordered summoned from bystanders no fee shall be allowed; for serving writs of possession and writs of like nature, one dollar; for serving civil execution, only such commission as now allowed by law; for serving claim and delivery papers, not including summons, one dollar and actual cost of keeping seized property; for taking bond in any case, fifty cents; for attendance to jurors in dower proceedings, two dollars; for commissioners to lay off year's allowance, two dollars; for levying an attachment, one dollar and fifty cents; execut-

ing a deed to land or any interest in land sold under execution, two dollars, to be paid by the purchaser.”

Other fees.

“SEC. 2. That the sheriff of Caldwell County shall receive the fees and emoluments provided by law except those displaced by the fees hereinabove prescribed.

Applicable only to Caldwell County.

“SEC. 3. That this act shall apply only to Caldwell County.”

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 5. That this act shall be in full force and effect from and after its ratification.

Ratified this the 12th day of March, A.D., 1931.

CHAPTER 195

AN ACT TO AMEND SECTION THREE OF CHAPTER FIVE HUNDRED AND FIFTEEN, PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND NINETEEN, RELATING TO FEES OF CERTAIN OFFICERS AND COURT OFFICIALS IN ROWAN COUNTY.

Ch. 515, Public-Local Laws 1919, amended, relating to fees recoverable in certain criminal cases in Rowan County.

The General Assembly of North Carolina do enact:

SECTION 1. That Section three of Chapter five hundred and fifteen, Public-Local Laws of one thousand nine hundred and nineteen, be and the same is hereby amended by adding at the end of said section the following: “*Provided*, that in all cases of trespass in criminal actions, no fees shall be recoverable except when the defendant shall pay the costs, and in no instance shall the cost be paid by the county.”

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 3. That this act shall be in full force and effect from and after its ratification.

Ratified this the 12th day of March, A.D., 1931.

CHAPTER 196

AN ACT TO AMEND CHAPTER ONE HUNDRED SIXTY, PUBLIC-LOCAL AND PRIVATE LAWS OF THE SESSION OF ONE THOUSAND NINE HUNDRED TWENTY-NINE, RELATIVE TO THE SALARY AND FEES OF THE CLERK OF THE SUPERIOR COURT AND REGISTER OF DEEDS OF CALDWELL COUNTY.

Ch. 160, Public-Local Laws 1929, amended.

The General Assembly of North Carolina do enact:

SECTION 1. That Section five of Chapter one hundred sixty of the Public-Local and Private Laws of the session of one thousand nine hundred twenty-nine be, and the same is hereby amended by adding to the end of said Section the following:

"The Clerk of the Superior Court of Caldwell County, having been designated as Clerk to the County Recorder's Court of said county, is entitled to receive, in addition to the Three Thousand Dollars provided for as salary as Clerk of the Superior Court, the fees allowed by law to the Clerk of the County Recorder's Court."

Additional compensation to Clerk Recorder's Court.

SEC. 2. That Section six of Chapter one hundred sixty of the Public-Local and Private Laws of session one thousand nine hundred twenty-nine be and the same is hereby amended by adding to the end of said section the following: "It is not the purpose of this act to prohibit the Board of County Commissioners of Caldwell County from providing the office of the Register of Deeds with adequate clerical help which they may deem necessary for prompt official service to the public, and they are hereby empowered to pay such help out of the County general fund, but not to exceed Nine Hundred Dollars, the year, beginning from the first Monday in February, one thousand nine hundred thirty-one.

Law again amended.

Clerical assistance to Register of Deeds provided.

Compensation.

SEC. 3. That Section seven of Chapter one hundred sixty of the Public-Local and Private Laws of session one thousand nine hundred twenty-nine be and the same is hereby repealed.

Law again amended.

SEC. 4. That all laws and clauses of laws in conflict herewith are hereby repealed.

Conflicting laws repealed.

SEC. 5. That this act shall be in force from and after its ratification.

Ratified this the 12th day of March, A.D.; 1931.

CHAPTER 197

AN ACT PROVIDING FOR THE ELECTION OF THE RECORDER, VICE RECORDER, CLERK AND PROSECUTING OFFICER FOR THE RECORDER'S COURT OF WAKE FOREST, WAKE COUNTY, NORTH CAROLINA, AND FIXING THE SALARIES OF SAID OFFICERS, THE TERRITORIAL JURISDICTION OF SAID COURT AND PROVIDING FOR THE HOLDING OF AN ELECTION.

The General Assembly of North Carolina do enact:

SECTION 1. That the Recorder, Vice-Recorder and Prosecuting Attorney of the Wake Forest Recorder's Court at Wake Forest, Wake County, North Carolina, shall be elected by the qualified voters of the territory embraced within the territorial jurisdiction of said court, that is that said territory lying and being within a radius of five miles of the corporate limits of the Town of Wake Forest within the County of Wake, at elections to be held in the Town of Wake Forest at the same time

Election and salaries of officers of Wake Forest Recorder's Court, Wake County.

Territorial jurisdiction.

and in the same manner that the election of municipal officers of the Town of Wake Forest are held.

Salary of Recorder, \$600;
Solitor, \$600.

SEC. 2. That the salary of the Recorder shall be six hundred dollars (\$600.00) per annum and the salary of the Prosecuting Attorney shall be six hundred dollars (\$600.00) per annum, each of said salaries payable monthly by the municipality of Wake Forest. That the Treasurer of the Town of Wake Forest shall ex-officio be Clerk of the Recorder's Court of Wake Forest and may be paid not to exceed fifty dollars (\$50.00) per month for his services as said clerk in addition to any compensation he may receive as treasurer of said Town.

Clerk, \$50 per month.

Territorial jurisdiction.

SEC. 3. That the jurisdiction of the Wake Forest Recorder's Court shall extend, as now, throughout the territory lying and being within a radius of five miles from the corporate limits of the Town of Wake Forest and being within Wake County.

Fee bill of Court.

SEC. 4. That the following shall constitute the fee bill of said Wake Forest Recorder's Court, to-wit:

<i>Recorder</i>	
Trial	\$2.00
<i>Clerk</i>	
Warrant and affidavit .....	.75
Judgment, each	1.00
Bond, each .....	.60
Continuance, each .....	.25
Docketing judgment .....	.25
Filing papers .....	.10
Indexing judgments, each .....	.10
Appeal, each .....	.25
Bill of costs, each .....	.25
Commitment, each .....	.20
Judgment Nisi, each .....	.25
Recognizance .....	.25
Seal .....	.25
Subpoena, each .....	.15
Capias, each .....	.50
Highway Commission report .....	.50
Prosecuting Attorney	3.00
<i>Officers</i>	
Arrest	1.50
Subpoenas, each .....	.50
Capias, each	1.50
Jail	1.00
Meals .....	.50
Pension Fund	1.00

SEC. 5. That six jurors shall constitute a jury in the said Court to be selected from a panel of twelve, that each of said jurors summoned to serve shall be paid the sum of one dollar (\$1.00) per day. That there shall be allowed a fee to the officer serving the jury summons the sum of fifty cents (\$.50) for each summons.

Selection and fees of juries.

SEC. 6. That the elections of the officers of the Wake Forest Recorder's Court as provided under this act shall be governed and controlled by the laws in force controlling and governing the general election of the municipal officers of the Town of Wake Forest, Wake County, North Carolina, and the person or persons who are in charge of and responsible for the conducting of the municipal election in the Town of Wake Forest shall be responsible for the election of the officers of the Wake Forest Recorder's Court as provided by this act, and shall appoint the necessary Registrars and order a registration of the qualified voters in the district embraced within a radius of five miles of the corporate limits of the Town of Wake Forest within the County of Wake forthwith and prior to the next Primary and Election in the municipality of Wake Forest.

Details of election of officers.

New registration ordered.

SEC. 7. That all laws and clauses of laws in conflict with this act are hereby repealed.

Conflicting laws repealed.

SEC. 8. That this act shall be in force from and after its ratification.

Ratified this the 12th day of March, A.D., 1931.

CHAPTER 198

AN ACT TO ALLOW THE COUNTY COMMISSIONERS OF TRANSYLVANIA COUNTY AND THE ALDERMEN OF THE TOWN OF BREVARD TO AID IN REOPENING THE BREVARD BANKING COMPANY.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of county commissioners and the board of education of Transylvania County and the board of aldermen of the Town of Brevard be, and they are hereby fully authorized and empowered to make and enter into a contract with the Brevard Banking Company, its directors and stockholders, to freeze or not demand the public funds or school funds of Transylvania County and/or of the town of Brevard now on deposit in said bank for a like period of time and under the same conditions that other depositors may agree to, which depositors' agreement shall be approved by the Corporation Commission of North Carolina.

Transylvania County and Town of Brevard authorized to aid in re-opening Brevard Banking Company by freezing deposits.

SEC. 2. That nothing in this act shall in any way impair any bonds, collateral papers, notes or other securities held by Transylvania County or any officer thereof or other person for said county to secure the deposits of said county in said bank.

Collateral unimpaired.

Collection and application of securities.

SEC. 3. That the county commissioners of Transylvania County be, and they are hereby authorized and empowered to collect all notes or other securities held by them or any person for them for the purpose of securing the deposits of said county in said bank and apply the proceeds derived from the collection in repayment to said county of the amount due it on the deposits of said county in said bank up to the full amount for which said security was put up to secure, and no further.

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 5. That this act shall be in full force and effect from and after its ratification.

Ratified this the 12th day of March, A.D., 1931.

CHAPTER 199

AN ACT TO AMEND HOUSE BILL NUMBER THREE HUNDRED SEVENTY-EIGHT RATIFIED MARCH THIRD, ONE THOUSAND NINE HUNDRED THIRTY-ONE, THE SAME BEING A BILL ENTITLED "AN ACT TO AUTHORIZE THE ESTABLISHMENT OF MUNICIPAL RECORDER'S COURTS IN MOORE COUNTY."

The General Assembly of North Carolina do enact:

H. B. No. 378,
Public-Local
Laws 1931,
amended, relating
to Municipal Re-
corder's Courts
in Moore County.

SECTION 1. That House Bill Number three hundred seventy-eight, ratified March third, one thousand nine hundred thirty-one, the same being entitled "A Bill to be Entitled an Act to Authorize the Establishment of Municipal Recorder's Courts in Moore County" be, and the same is hereby amended by inserting in the first sentence thereof, between the words "And" and "A," the words, "May elect," so that the second clause of said first sentence shall read, "And the said governing body shall thereafter forthwith elect a recorder, and MAY ELECT a prosecuting attorney &c., &c."

Election of solicitor.

Law again amended.

SEC. 2. That Section four of the said bill be, and the same is, hereby amended by inserting, at the beginning of the said Section four, the following words: "Section four. In all convictions in the said Recorder's Court, in addition to taxing all other costs allowed by law, there shall be a fee of Six Dollars taxed, to be known as a Recorder's Fee, which sum shall be set apart to pay the salary of the recorder."

Recorder's fee.

Conflicting laws repealed.

SEC. 3. That all laws, and clauses of laws, in conflict with the provisions of this act are hereby repealed, to the extent of such conflict only.

SEC. 4. That this act shall be in force from and after its ratification.

Ratified this the 12th day of March, A.D., 1931.

CHAPTER 200

AN ACT FOR THE RELIEF OF EX-SHERIFF C. E. MOXLEY OF YADKIN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That ex-sheriff C. E. Moxley of Yadkin County, who by virtue of his office has had the tax lists for the purpose of collecting taxes in his county for the years one thousand nine hundred and nineteen through the year one thousand nine hundred and twenty-nine, inclusive, and in case of death or default in collection, his personal representative, bondsmen or any agent or agents that he may designate, is authorized and empowered to collect arrears of taxes for each of the years aforesaid, under such rules and regulations as are now, or may hereafter be, provided for the collection of taxes.

Collection of back taxes by representatives of ex-Sheriff C. E. Moxley of Yadkin County.

SEC. 2. That the authority herein given shall cease and determine on the first day of January, one thousand nine hundred and thirty-three.

Act not effective after January 1, 1933.

SEC. 3. That this act shall be in full force and effect from and after its ratification.

Ratified this the 13th day of March, A.D., 1931.

CHAPTER 201

AN ACT TO ABOLISH THE OFFICE OF TREASURER OF SWAIN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the office of Treasurer of Swain County shall be and the same is hereby abolished.

Swain County Treasurer abolished.

SEC. 2. That it shall be the duty of the Board of County Commissioners of Swain County to designate annually some bank, banks, trust company or trust companies as official depository or depositories for the funds of said county. The board shall require such bond or other security from such depository or depositories as now required by law for the protection of public money.

Annual designation of depository for County funds.

Bond.

SEC. 3. That it shall be the duty of all officers and employees collecting and/or receiving public money to deposit the same in a depository designated by the Board of Commissioners and furnish to the county accountant a duplicate deposit ticket signed by such depository in accordance with the provisions of chapter one hundred forty-six, Public Laws of one thousand nine hundred twenty-seven: *Provided, however,* it shall be the duty of the county accountant to receive and deposit, as provided by this

Deposit of public money and furnishing of duplicate deposit tickets.

act, any money which no other officer is now authorized by law to receive and deposit.

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict with the provisions of this act shall be and the same are hereby repealed.

Effective December, 1932.

SEC. 5. That this act shall be in force and effect from and after the first Monday in December, one thousand nine hundred thirty-two.

Ratified this the 13th day of March, A.D., 1931.

CHAPTER 202

AN ACT FOR THE RELIEF OF N. E. MILSAPS AND G. W. SHULER EX-SHERIFFS AND TAX COLLECTOR OF GRAHAM COUNTY, AUTHORIZING THE COLLECTION OF BACK TAXES DUE SAID SHERIFFS.

The General Assembly of North Carolina do enact:

Collection of back taxes in Graham County by N. E. Milsaps, ex-Sheriff.

SECTION 1. That N. E. Milsaps, ex-sheriff of Graham County, is hereby authorized and empowered to collect all taxes due for the year one thousand nine hundred and twenty.

Collection of back taxes by G. W. Shuler, ex-Sheriff.

SEC. 2. That G. W. Shuler, ex-sheriff and tax collector of Graham County, is hereby authorized and empowered to collect all taxes due for the years one thousand nine hundred and twenty-one, one thousand nine hundred and twenty-two, one thousand nine hundred and twenty-three, one thousand nine hundred and twenty-four, one thousand nine hundred and twenty-five, one thousand nine hundred and twenty-six, one thousand nine hundred and twenty seven and one thousand nine hundred and twenty-eight.

Power and authority.

SEC. 3. That the said N. E. Milsaps and G. W. Shuler are each hereby vested with the same power and authority to collect such unpaid taxes, as the law gives for collection and settlement of taxes by the sheriff of said county.

Affidavit of payment by tax payer stops collection.

SEC. 4. *Provided, however,* if any tax payer of Graham County shall make affidavit that he or she has paid their taxes for any of the years mentioned in sections one and two of this act, then and in that case the said N. E. Milsaps and the said G. W. Shuler or either of them cannot enforce collection of the same.

Power expires December 1, 1931.

SEC. 5. That the said N. E. Milsaps and the said G. W. Shuler shall have until December first, one thousand nine hundred and thirty-one, to collect said taxes.

SEC. 6. That this act shall be in force and effect from and after its ratification.

Ratified this the 13th day of March, A.D., 1931.

CHAPTER 203

AN ACT FOR THE PROTECTION OF GAME IN
GRAHAM COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person to hunt deer with dog or dogs in Graham County for a period of two years from the ratification of this act: *Provided*, that evidence that any person is in the mountains with a dog and that the dog was chasing deer shall be prima facie evidence that said party was hunting deer with dogs. Anyone convicted of this offense shall be fined not less than fifty dollars or imprisoned in the discretion of the court.

Hunting of deer with dogs for next two years in Graham County prohibited.

Punishment.

SEC. 2. That it shall be unlawful for any person, for a period of two years from the ratification of this act, to kill any deer: *Provided*, that if any person is found with any deer dead it shall be prima facie evidence of guilt and any person convicted of this offense shall be fined not less than fifty dollars or imprisoned in the discretion of the court.

Killing of deer prohibited.

Punishment.

SEC. 3. That the commissioners of Graham County are hereby authorized to pay a premium not to exceed fifty cents for the scalp of any hawk which hawk has been killed in Graham County.

Reward for scalp of any hawk killed.

SEC. 4. All laws and clauses of laws in conflict with this act are hereby repealed.

Conflicting laws repealed.

SEC. 5. This act shall be in force and effect from and after its ratification.

Ratified this the 13th day of March, A.D., 1931.

CHAPTER 204

AN ACT TO REPEAL CHAPTER FOUR HUNDRED
NINETY-NINE, PUBLIC-LOCAL LAWS, ONE THOU-
SAND NINE HUNDRED AND TWENTY-SEVEN, RE-
LATING TO THE SETTING OF STEEL TRAPS IN HOKE
COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter four hundred and ninety-nine, Public-Local Laws, one thousand nine hundred twenty-nine, be and the same is hereby repealed.

Ch. 499, Public-Local Laws 1929, repealed, relating to steel traps in Hoke County.

SEC. 2. That this act shall be in full force and effect from and after its ratification.

Ratified this the 13th day of March, A.D., 1931.

CHAPTER 205

AN ACT TO ALLOW THE BOARD OF COUNTY COMMISSIONERS OF GRAHAM COUNTY TO TRANSFER CERTAIN SURPLUS FUNDS TO THE BOND MATURITY FUNDS.

Preamble: Outstanding refunding bonds of Graham County.

Whereas, Graham County on March fourteenth, nineteen hundred and twenty-seven, and had an outstanding indebtedness, and,

Loans to school and road authorities.

Whereas, it was necessary for Graham County to furnish funds for the operation of the schools and roads of said county from July first of each year until the taxes of sufficient amount for such purpose were collected, approximately November fifteenth of the same year, and,

1927 bond issue.

Whereas, Graham County issued and sold eighty thousand dollars of serial refunding bonds in denominations of one thousand dollars each, five thousand dollars of which is due and payable March first, nineteen hundred and thirty-two and five thousand dollars annually thereafter until the issue is retired, and,

Whereas, Graham County on the first day of July nineteen hundred and twenty-seven and annually thereafter loaned to the county board of education of Graham County for the purpose of defraying the expenses of the schools from July first until sufficient tax for that purpose could be collected; and loaned to the road authorities in like manner ten thousand dollars, which amounts were known as the revolving funds, and to be used by the said boards for said purposes and replaced and repaid to said revolving funds by said boards each year from the current taxes, and,

Loans taken from revolving funds.

Whereas, there is now in said revolving fund the sum of fifteen thousand dollars loaned to the said board of education and ten thousand dollars loaned to the said road authorities, and,

Whereas, the necessity for maintaining said revolving fund has been eliminated, and,

Whereas, Graham County has no funds from which to pay the maturing bonds. *Now, therefore*,

The General Assembly of North Carolina do enact:

"Bond Maturity Fund" created.

SECTION 1. That the board of county commissioners of Graham County shall from the special tax levied for that purpose create a fund to be known as the "Bond Maturity Fund" to be used wholly and exclusively for the purpose of paying the interest on and retiring the bonds of the Graham County eighty thousand dollar bond issue of March first, nineteen hundred and twenty-seven.

Application.

SEC. 2. That Graham County shall place to the credit of said fund specified in section one of this act the fifteen thousand dollars revolving fund heretofore loaned the county board of education of Graham County, and the ten thousand dollars revolving fund heretofore loaned the road authorities of Graham County.

Special deposits into fund.

SEC. 3. That at the maturity of said bonds and each of them said commissioners of Graham County shall draw on said funds for the payment of said bonds.

Use for retiring maturing bonds.

SEC. 4. That nothing herein contained shall be construed to prevent Graham County from levying and collecting the taxes provided by law for the payment of said bonds and interest and making payment therefrom.

Levy and collection of special taxes unaffected.

SEC. 5. *Provided, however,* that if it shall again become necessary for said county to use said funds or any part thereof for the purpose for which it was originally created, as expressed above, it shall be lawful for said boards of commissioners to draw on said funds for that purpose, and that immediately upon collection of sufficient taxes said board shall return the amount so used to said bond maturing fund.

Use of fund for other purposes.

SEC. 6. That is shall be unlawful for the county accountant of Graham County to sign a voucher against said fund for any other purpose than that herein set out.

Vouchers against fund for other purposes prohibited.

SEC. 7. That all laws and clauses of laws in conflict with this act are hereby repealed.

Conflicting laws repealed.

SEC. 8. That this act shall be in force from and after its ratification.

Ratified this the 13th day of March, A.D., 1931.

CHAPTER 206

AN ACT TO PLACE CEDAR ISLAND TOWNSHIP, CARTERET COUNTY, UNDER THE PROVISIONS OF THE STATE-WIDE STOCK LAW.

The General Assembly of North Carolina do enact:

SECTION 1. That from and after September first, one thousand nine hundred and thirty-one, all of that territory comprised within the boundaries of Cedar Island Township, Carteret County, shall be and is hereby declared to be "Stock Law Territory" and shall be subject to all of the provisions of the General State-Wide Stock Law.

Cedar Island Township, Carteret County, placed under State-wide Stock Law.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this act shall be in full force and effect from and after September first, one thousand nine hundred and thirty-one.

Effective September 1, 1931.

Ratified this the 13th day of March, A.D., 1931.

CHAPTER 207

AN ACT TO REPEAL CHAPTER FOUR HUNDRED ONE OF THE PUBLIC-LOCAL LAWS OF NORTH CAROLINA, SESSION OF ONE THOUSAND NINE HUNDRED TWENTY-NINE.

The General Assembly of North Carolina do enact:

Ch. 401, Public-Local Laws 1929, repealed, relating to closed season on foxes in Warren County.

SECTION 1. That chapter four hundred and one of the Public-Local Laws of North Carolina, Session nineteen hundred and twenty-nine, entitled "an act to fix the closed season for the hunting of foxes in Warren County" be, and the same is, hereby repealed.

SEC. 2. That this act shall be in force and effect from and after its ratification.

Ratified this the 13th day of March, A.D., 1931.

CHAPTER 208

AN ACT TO AUTHORIZE THE CREATION OF THE OFFICE OF TAX COLLECTOR FOR THE COUNTY OF GUILFORD.

The General Assembly of North Carolina do enact:

Office of tax Collector created for Guilford County.

SECTION 1. That the Board of Commissioners for the County of Guilford is hereby authorized and empowered, in its discretion, to create the office of Tax Collector, and to appropriate money for its maintenance, and said Board is also authorized to appoint a Tax Collector, whose salary and term of office shall be fixed by the said Board.

Salary and term of office.

SEC. 2. That the Tax Collector, herein provided for, shall be vested with the same power and authority, and subject to the same penalties and conditions as are now given by the State to sheriffs in the collection of taxes, licenses, fees, penalties, and other revenues; that in addition to the foregoing duties the said Board of Commissioners for the County of Guilford is hereby authorized and empowered, in its discretion, to confer upon said Tax Collector the duty of collecting all delinquent taxes, fees, penalties, and other revenues that the sheriff may now have the power and authority to collect.

Power and authority.

SEC. 3. That the Board of Commissioners for the County of Guilford is authorized and empowered, in its discretion, to appoint such assistants or clerks as shall be necessary to carry out the purposes of this act, under such penalties and conditions as said Board may deem necessary.

Assistants and Clerks.

Sheriff relieved of tax collecting duties.

SEC. 4. That upon the creation of the aforementioned office of Tax Collector, and the appointment of a Tax Collector, and upon

said Tax Collector's duly qualifying and assuming the duties of said office, the Sheriff of Guilford County shall thereupon be relieved from any and all duties devolving upon him in the collection of taxes, fees, licenses and other revenues, and in such event, the Board of Commissioners for the County of Guilford shall have the authority to fix the salary of the sheriff of Guilford County.

SEC. 5. That all laws, and clauses of laws, in conflict with this act are hereby repealed.

Conflicting laws repealed.

SEC. 6. That this act shall be in force and effect from and after its ratification.

Ratified this the 13th day of March, A.D., 1931.

CHAPTER 209

AN ACT TO AMEND CHAPTER FOUR HUNDRED AND SIXTY-NINE OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-NINE, RELATING TO THE PROTECTION OF FOXES IN STOKES COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That Section three of chapter four hundred and sixty-nine of the Public-Local Laws of one thousand nine hundred and twenty-nine be and the same is hereby amended by striking out the word "County" in said section and inserting in lieu thereof the words "and Stokes County."

Ch. 469, Public-Local Laws 1929, amended, relating to protection of foxes in Stokes County.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this act shall be in full force and effect from and after the first day of July, one thousand nine hundred and thirty-one.

Effective July 1, 1931.

Ratified this the 13th day of March, A.D., 1931.

CHAPTER 210

AN ACT PROHIBITING THE SETTING OF STEEL TRAPS IN BLADEN COUNTY AND FIXING THE OPEN SEASON FOR ALL GAME IN SAID COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person, firm or corporation to set or cause to be set any steel trap or log trap usually used for the purpose of catching game and wild animals, in Bladen County.

Setting of steel and log traps in Bladen County prohibited.

Open season for
all game.

SEC. 2. That the open season during which game of any kind may be killed in Bladen County shall be from the twentieth day of November to the twentieth day of January, inclusive.

Violation made
misdemeanor.

SEC. 3. That any person violating any of the provisions of this act shall be guilty of a misdemeanor and upon conviction shall be punished by a fine not exceeding fifty dollars or imprisoned not more than thirty days.

Punishment.

Conflicting laws
repealed.

SEC. 4. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 5. That this act shall be in full force and effect from and after its ratification.

Ratified this the 13th day of March, A.D., 1931.

CHAPTER 211

AN ACT TO PROTECT FOXES IN DURHAM COUNTY.

The General Assembly of North Carolina do enact:

Killing foxes
other than with
dogs prohibited in
Durham County.

SECTION 1. That it shall be unlawful in Durham County to hunt, trap, snare, shoot, dig out of ground or otherwise kill any Red or Gray Fox, or their young, other than with dogs, and then only between September first and March first; *Provided, however,* that any person may shoot or kill any Gray or Red Fox at any time when same is caught in the act of destroying fowls or animals.

Exception.

Violation made
misdemeanor.

SEC. 2. That any person convicted of violation of this act shall be fined not more than fifty dollars or imprisoned not exceeding thirty days.

Conflicting laws
repealed.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 4. That this act shall be in full force and effect from and after its ratification.

Ratified this the 13th day of March, A.D., 1931.

CHAPTER 212

AN ACT WITH REFERENCE TO SHIPPING RABBITS IN ASHE COUNTY.

The General Assembly of North Carolina do enact:

Shipping of rab-
bits permitted in
Ashe County.

SECTION 1. That it shall be lawful to ship rabbits by parcel post, unless forbidden by United States Postal regulations, at the same time and under the same general restrictions now pre-

scribed by law for shipping rabbits to points outside of the State by express or otherwise.

SEC. 2. That this act shall apply only to Ashe County.

SEC. 3. That all laws and clauses of laws in conflict with this act are hereby repealed. Conflicting laws repealed.

SEC. 4. That this act shall be in full force and effect from and after its ratification.

Ratified this the 13th day of March, A.D., 1931.

CHAPTER 213

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF ALAMANCE COUNTY TO PURCHASE AND CONVEY LAND FOR PURPOSE OF PROTECTING COUNTY SINKING FUND INVESTMENTS.

The General Assembly of North Carolina do enact:

SECTION 1. The Board of Commissioners of Alamance County is authorized to purchase land at foreclosure sales under mortgages or deeds of trust or at sales under order of Court when the property being offered for sale secures notes or bonds held by the County of Alamance as an investment from its sinking fund, and to take and hold in the name of said County the title to said lands. Alamance County Commissioners authorized to purchase land foreclosed after loans made from sinking fund.

SEC. 2. The Board of Commissioners of said County is further authorized to take and hold in the name of said County any and all titles to land already purchased and held in the name of a Trustee for the benefit of said County which were taken and are held by such Trustee for the purpose of protecting investments in notes or bonds made from the sinking fund of said County. Likewise authorized to take lands foreclosed and now held for County by Trustee.

SEC. 3. The said Board of Commissioners is also authorized to convey in the name of the County the land referred to in Sections One and Two of this Act and the passing of a resolution by the said Board in meeting duly assembled authorizing a conveyance or conveyances of said land and directing the Chairman of the Board and the Clerk to the Board to execute a deed or deeds in the name of the County conveying said land or lands, and the execution of said deed or deeds by the said Chairman and the said Clerk pursuant to said resolution, are declared to be a proper and sufficient method of conveying said land. May convey such land upon resolution of Commissioners.
Method of conveyance.

SEC. 4. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed. Conflicting laws repealed.

SEC. 5. That this Act shall be in force from and after its ratification.

Ratified this the 13th day of March, A.D., 1931.

CHAPTER 214

AN ACT TO AMEND CHAPTER FOUR HUNDRED AND SEVEN, PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED ELEVEN, AS AMENDED BY CHAPTER FIVE HUNDRED AND ONE, PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED TWENTY-NINE, RELATING TO HUNTING FOXES IN DUPLIN AND PENDER COUNTIES SO AS TO EXCLUDE PENDER COUNTY.

The General Assembly of North Carolina do enact:

Ch. 407, Public-Local Laws 1911; and ch. 501, Public-Local Laws 1929, amended, relating to hunting of foxes in Pender County.

Conflicting laws repealed.

SECTION 1. That section three of chapter four hundred and seven, Public-Local laws of one thousand nine hundred and eleven, be and the same is hereby amended by striking out the words: "and Pender Counties" and inserting in lieu thereof the word "county."

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 3. That this act shall be in force and effect from and after its ratification.

Ratified this the 13th day of March, A.D., 1931.

CHAPTER 215

AN ACT TO REGULATE THE HUNTING OF FOXES IN HARNETT, CUMBERLAND, SAMPSON, HOKE AND LEE COUNTIES.

The General Assembly of North Carolina do enact:

Open season on foxes in Harnett, Cumberland, Sampson, Hoke and Lee Counties.

Violation of Act made misdemeanor.

Conflicting laws repealed.

SECTION 1. That it shall be unlawful for any person to hunt foxes in Harnett, Cumberland, Sampson, Hoke and Lee Counties except during the period each year from September first to March fifteenth, both dates inclusive, and then only with dogs, except that foxes may be killed in any manner at any time during the year when caught in the act of committing or about to commit depredations to domestic live stock and poultry.

SEC. 2. Any person violating any of the provisions of this act shall be guilty of a misdemeanor and shall be fined not more than fifty dollars or imprisoned for not more than thirty days.

SEC. 3. That all laws and clauses of laws in conflict with this act are hereby repealed or modified, but only to the extent to which they conflict.

SEC. 4. That this act shall be in full force and effect after its ratification.

Ratified this the 13th day of March, A. D., 1931.

CHAPTER 216

AN ACT TO AMEND CHAPTER SIX HUNDRED AND ELEVEN, PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-SEVEN, RELATING TO MIGRATORY GAME LAW OF DARE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section four of chapter six hundred and eleven, Public-Local Laws of one thousand nine hundred and twenty-seven, be amended by adding at the end of said section four the following: "That it shall be unlawful for any person, firm or corporation to take from the waters of Dare County any wild celery or other aquatic wild game food for the purpose of shipping or transporting out of Dare County, or the State of North Carolina, unless a permit for so doing is granted by the Game Commission of Dare County; and that any person violating the provisions hereof shall be guilty of a misdemeanor, and, upon conviction, shall be fined not more than two hundred dollars or imprisoned not more than three months, or both, in the discretion of the court."

Ch. 611, Public-Local Laws 1927, amended.

Shipping wild game food out of Dare County prohibited.

Permit.

Punishment.

SEC. 2. That all laws and clauses of laws in conflict herewith are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this act shall be in force and effect from and after its ratification.

Ratified this the 13th day of March, A. D., 1931.

CHAPTER 217

AN ACT TO AMEND CHAPTER FOUR HUNDRED AND EIGHTY-SEVEN, PUBLIC-LOCAL LAWS, ONE THOUSAND NINE HUNDRED AND TWENTY-THREE, RELATING TO THE GAME LAW OF HYDE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section three of chapter four hundred and eighty-seven of the Public-Local Laws, one thousand nine hundred and twenty-three, be and the same is hereby amended by striking out the word "ten" in line five of said section and inserting in lieu thereof the word "fifteen"; that said section be further amended by striking out the word "five" in line ten and inserting in lieu thereof the word "three" and by striking out the last sentence of said section and inserting the following: "The revenue derived from said hunting licenses shall be used for the extended school term in Hyde County of two months and for this purpose shall be paid by the Clerk of the Court, Sheriff

Ch. 487, Public-Local Laws 1923, amended.

Revenue from hunting licenses in Hyde County to be used for extended school term.

or Game Warden to the Treasurer of Hyde County, except fifty cents, which he shall retain as fees."

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with the provision of this act are hereby repealed.

SEC. 3. That this act shall be in full force and effect from and after its ratification.

Ratified this the 13th day of March, A.D., 1931.

CHAPTER 218

AN ACT TO AMEND CHAPTER ONE HUNDRED AND FOUR, PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-NINE, RELATIVE TO THE SALARY OF THE SHERIFF OF ASHE COUNTY.

The General Assembly of North Carolina do enact:

Ch. 104, Public-Local Laws 1929, amended.

SECTION 1. That chapter one hundred and four, Public-Local Laws of one thousand nine hundred and twenty-nine, be amended by adding at the end of Section two the following: "The said sheriff shall have the right to be paid and retain the amount paid to him for serving processes and papers personally served by him."

Fees of Ashe County Sheriff.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this act shall be in force and effect from and after its ratification.

Ratified this the 13th day of March, A.D., 1931.

CHAPTER 219

AN ACT TO AMEND CHAPTER ONE HUNDRED AND EIGHTY-SIX OF THE PUBLIC-LOCAL LAWS OF EXTRA SESSION OF ONE THOUSAND NINE HUNDRED AND TWENTY-FOUR, RELATIVE TO GAME LAWS OF GRAHAM COUNTY.

The General Assembly of North Carolina do enact:

Ch. 186, Public-Local Laws ex-1924, amended, as to Graham County Game Law.

SECTION 1. That chapter one hundred and eighty-six of the Public-Local Laws, extra session of nineteen hundred and twenty-four, be and the same is hereby amended by striking out section two thereof.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 3. That this act shall be in force and effect from and after its ratification.

Ratified this the 13th day of March, A. D., 1931.

CHAPTER 220

AN ACT TO REDUCE SALARIES OF THE PUBLIC OFFICERS OF NORTHAMPTON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the Clerk of the Superior Court of Northampton County shall receive a salary of twenty-six hundred dollars per annum in lieu of all other compensation whatsoever, and shall be allowed one clerk or assistant at a salary to be fixed by the Board of County Commissioners, and this salary to said clerk or assistant shall not exceed six hundred dollars per annum.

Salary of Northampton County Clerk Superior Court, \$2,600.

One assistant at \$600.

SEC. 2. The Register of Deeds of Northampton County shall receive a salary of twenty-six hundred dollars per annum in lieu of all other compensation whatsoever and shall be allowed one clerk or assistant, at a salary not to exceed six hundred dollars per annum to be fixed by the Board of County Commissioners.

Register of Deeds, \$2,600.

One assistant at \$600.

SEC. 3. That the Sheriff of Northampton County shall receive a salary of thirty-two hundred dollars per annum in lieu of all other compensation whatsoever, and he shall collect the taxes of all kinds paid in said county by corporations, and shall not receive an additional compensation therefor.

Sheriff, \$3,200.

Collection of taxes.

SEC. 4. The officers hereinbefore mentioned shall faithfully perform all duties of their several offices imposed upon them by law, and shall receive no other compensation or allowances whatsoever for any extra additional service rendered to the county and they shall be liable to all the pains and penalties now or hereafter provided by law for failure to perform the duties of their several offices.

No other compensation allowed.

SEC. 5. The officers herein mentioned and provided for by this act shall collect all fees, commissions, emoluments of every kind belonging to their respective offices, and shall pay over the same to the Treasurer or financial agent of Northampton County, who shall hold the same as a part of the general county fund and subject to such orders as may be made by the Board of County Commissioners of said County.

Collection of all fees, etc., and surrender of same to County Treasurer.

SEC. 6. The salaries herein provided for shall be paid by the Treasurer or financial agent of Northampton County upon warrant or order from the Board of County Commissioners of Northampton County to the said officers and clerks or assistants in monthly installments.

Salaries payable in monthly installments.

SEC. 7. The officers hereinbefore required to turn over to the Treasurer or financial agent of Northampton County, moneys coming into their hands, shall make settlement with said Treasurer or financial agent of said County on the first Monday in each month, and the County Commissioners may at any time,

Monthly settlements.

Exhibition of books and accounts.

Salary of County Auditor, \$3,000.

Preparation of tax books and receipts.

Assistance in making out tax books.

Necessary supplies furnished.

Conflicting laws repealed.

Effective April 1, 1931.

require said officers or any of them, to exhibit to them all books and accounts showing all moneys turned over to the Treasurer or financial agent under the provisions of this act.

SEC. 8. That the County Auditor of Northampton County shall receive a salary not exceeding three thousand dollars per annum, to be fixed by the Board of Commissioners of said County, and the said County Auditor shall be required in addition to the duties imposed upon him already by law, to prepare all tax books and tax receipts of said County, and shall also act as County Tax Supervisor, and shall receive no additional salary therefor, but the Commissioners of said County shall furnish said Auditor such help as may be necessary in making out the tax books, but such help shall not be paid more than two hundred dollars per annum.

SEC. 9. That the Board of County Commissioners of Northampton County shall furnish the officers provided for in this act all necessary stationery and stamps and books necessary and required in the discharge of their respective duties.

SEC. 10. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 11. That this act shall be in force and effect from and after the first day of April, one thousand nine hundred thirty-one.

Ratified this the 13th day of March, A.D., 1931.

CHAPTER 221

AN ACT TO VALIDATE THE REGISTRATION OF CERTAIN DEEDS IN HAYWOOD COUNTY.

The General Assembly of North Carolina do enact:

Validation of certain deeds in Haywood County.

SECTION 1. That all deeds heretofore registered in Haywood County, in which it does not appear from the record where same is registered, that said deed was executed under seal, that it shall be conclusively presumed that it was executed under proper seal, and the same is hereby validated, and shall pass title to the land embraced in any such deed in the same manner as though it appeared it had been executed under proper seal.

Pending litigation unaffected.

SEC. 2. *Provided, however,* this act shall not effect pending suits.

SEC. 3. This act shall be in force and effect from and after its ratification.

Ratified this the 13th day of March, A.D., 1931.

CHAPTER 222

AN ACT TO AMEND CHAPTER TWO HUNDRED EIGHTY-NINE OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED TWENTY-NINE RELATIVE TO THE DUTIES OF COUNTY OFFICERS OF MADISON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That sections two and three of chapter two hundred and eighty-nine of the Public-Local laws of one thousand nine hundred and twenty-nine, be amended as follows:

In section two, line two, by striking out the words "not exceed" and inserting in lieu thereof the word "be";

In section three of said chapter, line ten, by striking out the words "county commissioners and" and inserting in lieu thereof the word "the";

In section three, line eleven, by striking out the word "jointly";

In section three, line eleven, after the word "elect" and before the word "county" insert "a".

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 3. That this act shall be in force and effect from and after its ratification.

Ratified this the 14th day of March, A.D., 1931.

Ch. 289, Public-Local Laws 1929, amended, relative to duties of Madison County officers.

Conflicting laws repealed.

CHAPTER 223

AN ACT RELATIVE TO THE ELECTION OF THE BOARD OF COUNTY COMMISSIONERS OF PASQUOTANK COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That at the next general and biennial primary following the ratification of this act and bi-ennially thereafter, each of the rural townships in Pasquotank County shall nominate one member of the Board of County Commissioners, and Elizabeth City Township shall nominate two members for the said Board of County Commissioners. Each commissioner shall be nominated solely by the electors of the township in which he may reside and shall be elected by the votes of the county at large: *Provided, however,* that no person shall be eligible as candidate for said office unless he shall have received a majority of the qualified votes cast in the township, in which he may reside at the time of such primary.

Nomination and election of Pasquotank County Commissioners by townships.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 3. That this act shall be in full force and effect from and after its ratification.

Ratified this the 14th day of March, A.D., 1931.

CHAPTER 224

AN ACT TO AMEND CHAPTER SIX PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED FIFTEEN, SO DEFENDANT MAY HAVE TWO PEREMPTORY CHALLENGES AND THE STATE ONE IN CRIMINAL TRIALS.

The General Assembly of North Carolina do enact:

Ch. 6, Public-Local Laws 1915, amended, regulating peremptory challenges of jurors in Chowan County Recorder's Court.

SECTION 1. That section twenty-two of Chapter six of Public-Local Laws of the year one thousand nine hundred and fifteen, be and the same is hereby amended by striking out the period after the word "peace" and adding a colon and inserting after the colon, "Provided, that the State shall have one peremptory challenge and the defendant two", so that section twenty-two as amended shall read, "If either the complainant or the accused shall ask for it, the recorder shall allow a trial by jury as is provided in civil actions before justices of the peace: *Provided*, that the State shall have one peremptory challenge and the defendant two."

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 3. That this act shall be in force and effect from and after its ratification.

Ratified this the 14th day of March, A.D., 1931.

CHAPTER 225

AN ACT RELATING TO THE COMPENSATION OF THE CLERK OF THE COURT, REGISTER OF DEEDS AND SHERIFF OF MONTGOMERY COUNTY.

The General Assembly of North Carolina do enact:

Compensation of Montgomery County officers after December, 1932.

Register of Deeds, \$2,500; for deputy, \$600.

SECTION 1. That on and after the first Monday in December, one thousand nine hundred and thirty-two, the following officers of Montgomery County shall receive for their services the following compensation and none other: The Register of Deeds shall receive a salary of Two Thousand Five Hundred Dollars (\$2,500.00) per year, with an allowance of Six Hundred Dollars (\$600.00) for an office deputy, to be paid by the County

Commissioners. The Sheriff in lieu of a salary shall receive a commission of one and one-half per cent of the taxes collected and such fees as fall into his hands for his services in serving process, etc., to be retained by him for such services, the said sheriff to bear his own expenses and that of his deputies and clerical assistants, both as to their salary and other official expenses from his commissions and fees.

Sheriff, $\frac{1}{2}\%$ of tax collections and fees of office.

No allowance for assistants.

SEC. 2. That on and after the first Monday in December, one thousand nine hundred and thirty-four, the Clerk of the Superior Court of Montgomery County shall receive a salary of Two Thousand Five Hundred Dollars (\$2,500.00) a year, with an allowance of Six Hundred Dollars (\$600.00) for an office deputy, to be paid by the County Commissioners.

After December, 1934; Clerk of Court \$2,500; for deputy, \$600.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Conflicting laws repealed.

SEC. 4. That this act shall be in full force and effect from and after its ratification.

Ratified this the 14th day of March, A.D., 1931.

CHAPTER 226

AN ACT TO AMEND CHAPTER SEVENTY-SIX, PUBLIC-LOCAL LAWS, ONE THOUSAND NINE HUNDRED AND TWENTY-NINE, REGULATING THE SALE OF COTTON IN THE SEED IN CERTAIN COUNTIES, MAKING THE ACT APPLICABLE TO HOKE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. It shall be unlawful for any person, firm or corporation, to buy, sell, deliver or receive, for price, or for any reward whatever, any cotton in the seed without the written permission of the person owning the land the cotton was grown upon or the written permission of the agent of the owner of the land the cotton was grown upon.

Purchasing cotton in the seed without written permission of land owner prohibited in Hoke County; ch. 76, Public-Local Laws 1929, thus amended.

SEC. 2. It shall be the duty of the purchaser of such cotton in the seed to safely file and keep for at least six months said written authority and also keep a record book in which shall be entered the name or names and address or addresses of the seller or sellers, date of sale and weight of cotton.

Record of purchase to be kept.

SEC. 3. That the word "agent" shall not be construed to mean tenant or cropper except in cases where the tenant or cropper can produce written authority that he is agent of the person on whose land the cotton was grown.

"Agent" defined.

SEC. 4. The violation of any of the provisions of this act shall constitute a misdemeanor punishable by fine or imprisonment or both in the discretion of the Court.

Violation made misdemeanor.

Conflicting laws repealed.

SEC. 5. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 6. That this act shall be in force and effect from and after its ratification.

Ratified this the 14th day of March, A.D., 1931.

CHAPTER 227

AN ACT CREATING FIVE DISTRICTS IN BERTIE COUNTY FOR THE SELECTION OF COUNTY COMMISSIONERS.

The General Assembly of North Carolina do enact:

Districts for election of Bertie County Commissioners.

SECTION 1. That there shall be, and the same is hereby created, five districts in Bertie County for the nomination of County Commissioners.

Nomination and election of Commissioners by districts.

SEC. 2. That at the next general primary and the next general election in one thousand nine hundred and thirty-two, and every two years thereafter, there shall be nominated and elected respectively one commissioner from each district, and the districts shall be numbered one, two, three, four and five, and shall comprise the following townships:

Districts described.

(a) District number one shall be composed of Windsor Township.

(b) District number two shall be composed of Merry Hill and Whites Townships.

(c) District number three shall be composed of Colerain and Mitchells Townships.

(d) District number four shall be composed of Roxobel and Woodville Townships.

(e) District number five shall be composed of Snakebite and Indian Woods Townships.

Commissioners to be voted on by whole county.

SEC. 3. That those participating in the primary, as candidates, shall be restricted to the qualified voters of said district: *Provided, however,* that any candidate from said districts shall be voted upon by the voters in the entire County both in the Primary, and in the General Election.

Selection of candidates in primary.

SEC. 4. That the candidates receiving the majority of votes cast shall be declared to be the candidate of his political party duly nominated for the general election.

General election laws applicable.

SEC. 5. That the laws governing the election of County Commissioners not in conflict with this act shall be as provided by statute.

Conflicting laws repealed.

SEC. 6. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 7. That this act shall be in full force and effect from and after its ratification.

Ratified this the 14th day of March, A.D., 1931.

CHAPTER 228

AN ACT TO SECURE THE SAFETY OF THE VARIOUS SINKING FUNDS OF THE COUNTY OF COLUMBUS AND SCHOOL DISTRICTS THEREIN BY PROPER INVESTMENT.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter ninety, Private Laws of one thousand nine hundred seventeen, sections four, five and six of chapter one hundred twenty-seven, Private Laws of one thousand nine hundred seventeen, Chapter fourteen, Private Laws of one thousand nine hundred twenty-one, and section ten of Chapter six hundred twenty-eight, Public-Local Laws, one thousand nine hundred thirteen, are hereby repealed.

SEC. 2. That immediately upon the ratification of this act, the trustees of the school districts which have been acting under the laws mentioned in paragraph one of this act and any bank or banks appointed financial agent of the county shall turn over to the county auditor of Columbus County all securities and money held by them for the sinking funds of the county or districts, to be handled by the said auditor under the direction of the board of county commissioners, to be liquidated and re-invested as provided for in the "Local Government Act" ratified March third one thousand nine hundred thirty-one.

SEC. 3. That the county auditor of Columbus County shall keep a separate account for each of the school districts hereinbefore referred to and called the "Courthouse sinking fund." All securities purchased shall be kept separate and apart from other funds and securities of the county.

SEC. 4. That all laws and clauses of laws in conflict with the provisions of this act shall be and the same are hereby repealed.

SEC. 5. That this act shall be in force and effect from and after its ratification.

Ratified this the 14th day of March, A.D., 1931.

CHAPTER 229

AN ACT AUTHORIZING THE BOARD OF COMMISSIONERS OF COLUMBUS COUNTY TO APPOINT RURAL POLICEMEN FOR SAID COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of County Commissioners of Columbus County may, if they deem it advisable and for the best interests of the County, appoint such number of rural policemen, not exceeding three, for said County as in their

Ch. 90, Private Laws 1917; and ch. 14, Private Laws 1921, repealed. Ch. 127, Private Laws 1917; and ch. 628, Public-Local Laws 1913, amended.

Sinking funds of Columbus County school districts to be turned over to County Auditor.

Liquidation and re-investment.

Separate account to be kept of funds; designation.

Conflicting laws repealed.

Rural policemen authorized for Columbus County.

Qualifications. judgment may be necessary to carry out the provisions of this Act. The person or persons appointed under this Act shall be able-bodied men of good character and known to be in favor of law enforcement. The said Commissioners shall fix the term for which said policemen shall serve, not exceeding two years from the date of appointment, nor to extend beyond the first Monday in December next following a general election, and said Commissioners may remove either or all of said policemen at any time, that in their judgment, they may desire so to do.

Term of office.

Removal.

Duties.

To act under Sheriff.

Arresting without warrant.

Fees to be collected for service of process.

Additional fee in event of conviction.

Fees retained as compensation.

Bond of \$250.

Oath of office.

Conflicting laws repealed.

SEC. 2. That said policemen appointed under this Act shall be authorized to serve all criminal processes and make any arrests for the violation of any and all criminal laws, with the same authority and power as the Sheriff of Columbus County, and shall at all times obey and carry out the orders of the Sheriff and Board of Commissioners of said County not inconsistent with this Act.

SEC. 3. That said policemen shall have authority, for any suspected or committed crime, whether upon view or on prompt information and complaint, to arrest without warrant and shall have the right and authority to summons any person or persons to assist in enforcing the laws and in arresting violators thereof. When any arrest is made without warrant, the person so arrested shall be forthwith carried before a magistrate or recorder of said County and a warrant of arrest procured and disposed of as the magistrate or recorder shall direct.

SEC. 4. That it shall be the duty of each policeman provided for under the provisions of this Act to collect the fees for all process work rendered by him in criminal cases and the fees so collected shall be the same as now provided by law plus an additional fee of not more than three dollars in each case where there is a conviction, and all such fees so collected shall be retained by said policemen as compensation for his services.

SEC. 5. That any policeman appointed under this Act shall, before entering upon the discharge of his duties and before being commissioned by the County Commissioners, enter into a bond in the sum of two hundred and fifty dollars (\$250.00), surety to be approved by said Commissioners, conditioned for the faithful performance of his duties and shall take and subscribe the oath pertaining to such officers of the law in North Carolina.

SEC. 6. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict only.

SEC. 7. That this Act shall become effective from and after its ratification.

Ratified this the 14th day of March, A.D., 1931.

CHAPTER 230

AN ACT TO ALLOW THE COMMISSIONERS OF TRANSYLVANIA COUNTY TO FREEZE COUNTY DEPOSITS IN THE BREVARD BANKING COMPANY AND TO PLACE A PERCENTAGE OF SAID DEPOSITS IN A SURPLUS FUND IN SAID BANK.

That whereas, on the fifteenth day of December one thousand nine hundred and thirty the Brevard Banking Company, of Brevard, North Carolina, closed, and

Whereas, the said County of Transylvania had on deposit in said bank the sum of approximately six hundred thousand dollars, and

Whereas, the said County held as security for said deposit the approximate sum of three hundred thousand dollars in notes and other securities of said bank and a corporate bond in the sum of fifteen thousand (\$15,000.00) dollars, and

Whereas, there are certain notes among said securities which are not collectible at present, and

Whereas, there is a large amount of said deposits which has to be used in the payment of certain indebtedness of said County beginning in the year one thousand nine hundred and thirty-four, and that said deposit would not have been withdrawn until said date and could not have been used for other purposes, and

Whereas, a plan has been submitted for the re-opening and/or reorganization of said bank upon an agreement from all the depositors that they would freeze seventy per cent of their said deposits for a period of not less than two years and not more than three years, and that the remaining thirty per cent of their deposit would be placed in a fund, which fund would be the surplus of said bank, said surplus to be re-paid to said depositors when and as ten per cent of the total amount of said surplus was replaced by an actual earned surplus or collection of assets made by and through the operations of said bank, and

Whereas, if an attempt was made to collect all notes and obligations now due and owing to said bank, directly or indirectly, which said sum amounts to approximately one million two hundred fifty thousand dollars (\$1,250,000.00), that such an attempt to collect would work a great hardship upon and bring disaster to a large number of the citizens of Transylvania County, and

Whereas, in the opinion of the Commissioners of Transylvania County it is for the best interest of said County to reopen and/or reorganize the said Brevard Banking Company on the plan above mentioned: *Now, therefore*,

Preamble: Closing of Brevard Banking Company.

Deposits of Transylvania County in Bank.

Collateral.

County obligations due in 1934.

Plan to re-open Bank upon agreement of depositors to freeze deposits for a period of time.

Inadvisability of collecting collateral at present.

The General Assembly of North Carolina do enact:

County authorized to aid in re-opening Bank by freezing required percentage of deposits.

SECTION 1. That the Commissioners of Transylvania County be and they are hereby authorized and empowered to freeze and/or allow all or any part of the deposits in said County in the Brevard Banking Company when it closed, to remain frozen or to be held by said Brevard Banking Company when same is reopened and/or reorganized for such period of time as the said Commissioners may determine, not to exceed the period of three years.

County authorized to allocate such percentage to surplus to be created.

SEC. 2. And the Commissioners of Transylvania County are hereby authorized and empowered that said Commissioners may allocate and place such percentage of said deposits in a surplus to be created for said fund as said Commissioners may determine, but in no event to exceed thirty per cent of said deposits, *provided* that suitable provisions be made whereby said amount so placed in said surplus would be returned to Transylvania County when and as ten per cent of said surplus should be earned from the profits of said bank or collected from the assets of said Bank.

County to join with other depositors in agreement.

SEC. 3. That the said Commissioners of said County shall only freeze said deposits and such percentage of same, and place or allocate such percentage of said deposits of said County in said surplus, in the same manner and amount as the other depositors in any of said Brevard Banking Company may agree to do.

Same authority conferred on Town of Brevard.

SEC. 4. The same authority, powers, and rights to freeze said deposit and allocate a percentage thereof as surplus as herein conferred upon and given to the Commissioners of Transylvania County are hereby conferred upon the Mayor and Board of Aldermen of the Town of Brevard.

Conflicting laws repealed.

SEC. 5. That all laws and clauses of laws in conflict herewith are hereby repealed.

SEC. 6. That this act shall be in full force and effect from and after its ratification.

Ratified this the 14th day of March, A.D., 1931.

CHAPTER 231

AN ACT TO INCREASE THE BOND OF THE CLERK OF THE RECORDER'S COURT OF DURHAM COUNTY, TO PRESCRIBE EXPENDITURES FOR CLERK HIRE IN SAID COURT, AND TO INCREASE THE JURY FEES IN SAID COURT.

The General Assembly of North Carolina do enact:

Official bond of Clerk of Durham County Recorder's Court, \$5,000.

SECTION 1. That the official bond to be given by the Clerk of the Recorder's Court of Durham County shall be in the sum of five thousand dollars (\$5,000.00) and the premiums on said

bond shall be paid out of the Recorder's Court fund as now provided by law. And such official bond in such amount shall be given by an approved surety company licensed to do business in this City, by the present Clerk of this Court within ninety days after the ratification of this act, the same to be approved by the Board of Commissioners of Durham County.

To be corporate bond.

SEC. 2. That the sum of three hundred dollars (\$300.00) per month shall be allowed for Clerk hire for the Assistant and Deputy Clerks in the office of the Clerk of Recorder's Court of Durham County, the same to be paid monthly beginning on the first day of the month following ratification of this act, and shall be disbursed as follows: Assistant Clerk of Recorder's Court, one hundred twenty-five dollars (\$125.00); first Deputy Clerk of Recorder's Court, one hundred dollars (\$100.00); and the third Deputy Clerk or stenographer, shall receive seventy-five dollars (\$75.00) per month, *Provided, however*, the County Commissioners of Durham County may within their discretion at any time increase said amounts to any amount not exceeding a total increase of seventy-five dollars (\$75.00) per month.

Sum of \$300 per month allowed for clerk hire.

Distribution of amount.

Increase in salaries.

That these salaries shall be paid out of the Recorder's Court fund of Durham County.

SEC. 3. That at the regular election for State and County officers to be held on the Tuesday after the first Monday in November, one thousand nine hundred thirty-two, that the Clerk of the Recorder's Court shall be elected for a term of four years and elected every four years thereafter.

Election of Clerk for four-year term.

SEC. 4. That the Clerk of the Recorder's Court of Durham County, be and he is hereby allowed while acting as a Justice of the Peace, to issue warrants in criminal cases in which the Defendants are charged with Giving Worthless Checks in the City and County of Durham, wherein the amount of the check involved does not exceed the sum of fifty dollars (\$50.00) and shall have the final jurisdiction to hear and determine said offenses.

Clerk may hear cases involving giving worthless checks.

SEC. 5. That the sum of one dollar (\$1.00) per day be paid to Jurors, serving on a Jury in the Recorder's Court of Durham County; said amount shall be paid by the Clerk of said Court to said Juror and shall be included in the bill of costs, should the Defendant pay the court costs; otherwise, said jury fees shall be paid by the Clerk of the Recorder's Court out of the Recorder's Court fund.

Compensation of jurors, \$1 each.

Payment of jury fees.

SEC. 6. That the Clerk of the Recorder's Court of Durham County, while acting as a Justice of the Peace, shall use the office space now provided, or which shall be provided, for the use of the Clerk of the Recorder's Court of Durham County: *Provided, however*, that in using said office as a Justice of the Peace,

Office space of Clerk.

this does not interfere in any way whatsoever with the duties of the Clerk of the Recorder's Court.

SEC. 7. That this act shall apply only to the County of Durham.

Conflicting laws repealed.

SEC. 8. That all laws and clauses of laws in conflict with the provisions of this act be and the same are hereby repealed.

SEC. 9. That this act shall be in force from and after its ratification.

Ratified this the 16th day of March, A.D., 1931.

CHAPTER 232

AN ACT TO AMEND CHAPTER FOUR HUNDRED AND FORTY-FIVE, OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-NINE, RELATING TO THE DIVISION OF MITCHELL COUNTY IN ROAD DISTRICTS AND WORKING THE FREE LABOR THEREON.

The General Assembly of North Carolina do enact:

Ch. 445, Public-Local Laws 1929, amended, relating to Mitchell County road districts and free labor on roads.

SECTION 1. That chapter four hundred and forty-five, of the Public-Local Laws of one thousand nine hundred and twenty-nine, relating to the division of Mitchell County in road districts and working the free labor thereon, be and the same is hereby amended by striking out Sections four and five thereof.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 3. That this act shall be in full force and effect from and after its ratification.

Ratified this the 16th day of March, A.D., 1931.

CHAPTER 233

AN ACT TO AMEND CHAPTER ELEVEN OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED TWENTY-SEVEN, BEING AN ACT CREATING FOUR DISTRICTS IN CRAVEN COUNTY FOR THE ELECTION OF COUNTY COMMISSIONERS.

The General Assembly of North Carolina do enact:

Ch. 11, Public-Local Laws 1927, amended.

SECTION 1. That Chapter eleven of the Public-Local Laws of one thousand nine hundred and twenty-seven, being entitled an act creating four Districts in Craven County for the election of County Commissioners, be amended as follows: By striking out sections three and four of said act and substituting in lieu thereof the following:

"SEC. 2. That there shall be nominated by the electors of the County at large of each political party two commissioners from District A, as provided in section two, and one commissioner each from Districts B, C and D, as provided in said section. The two candidates from District A and the one candidate from each of Districts B, C and D receiving the majority of votes cast in the said primary in the County at large, shall be declared the nominee of his respective party for member of the Board of Commissioners from Craven County for election at the next general election."

Nomination and election of Craven County Commissioners.

SEC. 3. That all laws and clauses of laws in conflict with this act are hereby repealed.

Conflicting laws repealed.

SEC. 4. This act shall be in force and effect from and after its ratification.

Ratified this the 16th day of March, A.D., 1931.

CHAPTER 234

AN ACT AMENDING CHAPTER FOUR HUNDRED THIRTY-ONE, PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED TWENTY-SEVEN, AMENDING THE GAME LAWS OF CURRITUCK COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section one, chapter four hundred and thirty-one, Public-Local Laws of nineteen hundred and twenty-seven, be and the same is, hereby amended as follows: By adding in line five of section one after the word "County" the following: "And so much of the waters of North River as may lie within the territorial limits of Currituck County."

Ch. 431, Public-Local Laws 1927, amended, being Game Law of Currituck County.

SEC. 2. That section fourteen of said act be, and the same is hereby amended by striking out the first paragraph of said section, and inserting in lieu thereof the following: "That a Game Commission for Currituck County is hereby created and appointed, which commission shall consist of three members, to-wit: R. E. West for a term of two years, R. L. Griggs for a term of four years, and H. A. Brumsey for a term of six years, from the first day of March, nineteen hundred and thirty-one; and their successors shall be appointed biennially by the General Assembly for a term of six years, *Provided* any vacancies caused during the interim by death or otherwise, such vacancy shall be filled by the two remaining members of said commission, but only for the unexpired term, and subject to the appointment made by the next succeeding Session of the General Assembly; and, *Provided further*, that the Clerk of the Superior

Creation of Game Commission; personnel.

Vacancies.

Regular appointments by General Assembly.
Ex-officio Chairman.

Court of Currituck County shall act as ex-officio, or secretary of said Game Commission."

Control over waterfowl foods.

Amend further, by adding at the end of section fourteen of said act the following: "And the Game Commission shall have absolute control and authority over all aquatic plant foods or other waterfowl food growing in the waters of Currituck Sound and its tributaries, and also insomuch of the waters of North River as may lie within the territorial limits of said county.

Sale of such foods made misdemeanor.

None of the same shall be sold, transported or shipped from the county except by permission in writing obtained from the said Game Commission; and any violation of the provisions of this section shall constitute a misdemeanor, punishable by a fine or imprisonment or both, in the discretion of the Court."

Bag limit.

SEC. 3. Amend further, by adding at the end of section sixteen of the said act the following: "That no battery, blind or point-blind, occupied by more than two licensed sportsmen shall take or kill more than thirty ducks and eight geese in one day."

Driving game to decoys made misdemeanor.

SEC. 4. Amend further, by adding at the end of section twenty-two the following: "And 'swimming' or driving ducks and geese to decoys with boats or floating devices of any kinds is hereby prohibited, and any violation of the provisions of this section shall constitute a misdemeanor, and, upon conviction, shall be fined or imprisoned, or both, in the discretion of the Court."

SEC. 5. That there shall be a new section added to chapter four hundred and thirty-one of the Public-Local Laws, nineteen hundred and twenty-seven, to be section thirty-four (a) located between sections thirty-four and thirty-five, as follows:

License fee may be reduced upon proper finding by Game Commission.

"SEC. 34(a). If upon investigation the Game Commission of Currituck County should find that the license fees provided in this act, on account of temporary conditions, are so large as to materially lessen the income derived therefrom and the Commission shall find these facts and enter them of record upon their minutes, then said license fees for hunting shall be reduced to the amount found by the Game Commission to be necessary to accomplish the purpose desired, but such reduction shall continue only for the period found by the Commission to be necessary. If such reduction is made in accordance with the provisions of this act, then the license fees to be charged shall be in accordance with the finding of the Game Commission."

Conflicting laws repealed.

SEC. 6. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 7. That this act shall be in full force and effect from and after its ratification.

Ratified this the 16th day of March, A.D., 1931.

CHAPTER 235

AN ACT TO REPEAL CHAPTER SIX HUNDRED TWENTY-TWO, PUBLIC-LOCAL LAWS, ONE THOUSAND NINE HUNDRED AND TWENTY-SEVEN, AND CHAPTER TWO HUNDRED THIRTY-FOUR, PUBLIC-LOCAL LAWS, ONE THOUSAND NINE HUNDRED AND TWENTY-NINE, RELATING TO FREE LABOR ON THE ROADS OF AVERY COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter six hundred and twenty-two, Public-Local Laws, one thousand nine hundred and twenty-seven, and chapter two hundred and thirty-four, Public-Local Laws, one thousand nine hundred and twenty-nine, relating to road work in Avery County, be and the same are hereby repealed, it being the intent and purpose of this act to abolish the use of free labor on the roads of said county.

Ch. 622, Public-Local Laws 1927; and ch. 234, Public-Local Laws 1929, repealed, abolishing free labor on roads in Avery County.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this act shall be in full force and effect from and after its ratification.

Ratified this the 16th day of March, A.D., 1931.

CHAPTER 236

AN ACT TO AMEND CHAPTER THREE HUNDRED AND NINETY-TWO, PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-SEVEN, RELATIVE TO THE COMPENSATION OF THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF MECKLENBURG COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section one of chapter three hundred and ninety-two, Public-Local Laws of one thousand nine hundred and twenty-seven, be, and the same is hereby, amended by striking out of line six the words and figures "three thousand dollars (\$3,000.00)," and inserting in lieu thereof the words and figures "three thousand six hundred dollars (\$3,600.00)", which salary shall be in lieu of any and all other compensation.

Ch. 392, Public-Local Laws 1927, amended, raising salary of Chairman of Mecklenburg County Commissioners to \$3,600.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this act shall be in force and effect from and after the first day of April, one thousand nine hundred and thirty-one.

Effective April 1, 1931.

Ratified this the 16th day of March, A.D., 1931.

CHAPTER 237

AN ACT TO APPROVE AND VALIDATE THE ACTION OF THE BOARD OF COMMISSIONERS OF ALEXANDER COUNTY IN THE PURCHASE OF A CERTAIN TRACT OF LAND FOR COUNTY HOME PURPOSES, AND TO LEVY A TAX THEREFOR.

Preamble: Purchase by Alexander County Commissioners of site for County Home.

Whereas, on November twenty-five, one thousand nine hundred thirty, the board of commissioners of Alexander County purchased from Mrs. Hettie S. Watts a certain tract of land for the purpose of using it in connection with the county home or home for the aged and infirm of said county; and

Purchase price.

Whereas, at said time the said tract of land was encumbered by a mortgage from the said Mrs. Hettie S. Watts to secure an indebtedness of hers to the sinking fund of said county, the purchase price of said tract of land being in the sum of four thousand dollars; and

Whereas, it is proper that the action of the said board of county commissioners should be approved and validated, and that a special tax be levied to provide the funds for the purchase of said property, *Now, therefore*,

The General Assembly of North Carolina do enact:

Action of purchase validated.

SECTION 1. That the action of the board of commissioners of Alexander County in purchasing from Mrs. Hettie S. Watts a certain tract of land in said county, for and at the price of four thousand dollars, for use in connection with and as a part of the county home or the home for the aged and infirm of said county, the deed for which said tract of land and which contains description thereof being of record in book twenty-two, page fifty-seven, in the office of the register of deeds of said Alexander County, be, and the same is hereby, to all intents and purposes fully approved, ratified, validated and declared to be the proper and legal action of said board of county commissioners.

Special tax authorized for paying purchase price.

SEC. 2. That the said board of commissioners of Alexander County be, and they are hereby, authorized, empowered and directed to levy upon the taxable property of said county a special tax at a rate and in a sum sufficient to raise said sum of four thousand dollars net and clear of all commissions and expenses of collection, and any and all other expenses or expenditures in connection with the levy and collection of said tax, the said tax levy and the sum realized therefrom to be for the purchase of said tract of land from the said Mrs. Hettie S. Watts, to be used as aforesaid for and in connection with the county home or home for the aged and infirm of said county.

Proceeds of tax to be placed in sinking fund.

SEC. 3. That in settlement of the account relating to the sinking fund of said county, said sum of four thousand dollars

so realized from said special tax levy be placed in the sinking fund of said county and kept, used, handled and invested in accordance with the statute with respect to the sinking fund of said county.

SEC. 4. This act shall be in force and effect from and after its ratification.

Ratified this the 16th day of March, A.D., 1931.

CHAPTER 238

AN ACT TO PROVIDE FOR A STENOGRAPHER FEE IN THE SUPERIOR COURT OF JONES COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That on every indictment or criminal proceedings, tried or otherwise disposed of in the Superior or Criminal Courts of Jones County, the party convicted, or adjudged to pay the cost, shall pay a tax of two dollars. In every civil action in any court of record the party adjudged to pay the costs shall pay a tax of four dollars, but this tax shall not be charged unless the services of a stenographer is had in the trial of such cases.

Stenographer fee taxable as costs in courts of record in Jones County.

Criminal, \$2.

Civil, \$4.

SEC. 2. That all cases both civil and criminal appealed to the Supreme Court, where the services of a stenographer is had, shall pay a tax of five dollars. Said tax fees shall be charged by the Clerk in the bill of costs in such cases as now provided by law.

Fee for appeal to Supreme Court, \$5.

SEC. 3. That all laws and clauses of laws in conflict with this act are hereby repealed.

Conflicting laws repealed.

SEC. 4. This act shall be in force and effect from and after its ratification.

Ratified this the 16th day of March, A.D., 1931.

CHAPTER 239

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS AND THE GOVERNING AUTHORITY OF MUNICIPALITIES IN MECKLENBURG COUNTY TO ESTABLISH RULES FOR THE COLLECTION OF TAXES IN PARTIAL PAYMENTS.

The General Assembly of North Carolina do enact:

SECTION 1. The Board of County Commissioners and the governing authority of the various municipalities in Mecklenburg County are hereby authorized and empowered to make reasonable rules and regulations providing for the payment of taxes in installments. *Provided* that any such rules and regula-

Taxes payable in installments in municipalities in Mecklenburg County.

tions shall not conflict with the general State law relating to the collection of past due taxes.

SEC. 2. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 16th day of March, A.D., 1931.

CHAPTER 240

AN ACT TO ABOLISH THE OFFICE OF AUDITOR OF CUMBERLAND COUNTY AND TO AUTHORIZE THE BOARD OF COMMISSIONERS TO APPOINT A COUNTY ACCOUNTANT OR IMPOSE THE DUTIES OF COUNTY ACCOUNTANT UPON THE COUNTY TREASURER.

The General Assembly of North Carolina do enact:

Ch. 498, Public-Local Laws 1921, repealed, abolishing office of Cumberland County Auditor.

SECTION 1. That chapter four hundred ninety-eight of the Public-Local Laws of one thousand nine hundred twenty-one, entitled "An Act Relating to An Auditor for Cumberland County", and any amendments thereto, shall be and the same are hereby repealed.

County Accountant to be appointed.

SEC. 2. That the board of county commissioners of Cumberland County shall appoint some person in accordance with chapter one hundred forty-six Public Laws of one thousand nine hundred twenty-seven and any amendments thereto, as county accountant of said county: *Provided, however,* the board may appoint the treasurer of Cumberland County as county accountant in accordance with the following requirements: (a) the board shall designate some bank, banks, trust company or trust companies as official depository or depositories of the county in accordance with the provisions of chapter one hundred forty-six, Public Laws of one thousand nine hundred twenty-seven and any amendments thereto; (b) all the duties and powers imposed and conferred upon county accountants by chapter one hundred forty-six, Public Laws of one thousand nine hundred twenty-seven, and by any subsequent Public Laws, including Public Laws of the General Assembly of one thousand nine hundred thirty-one, shall be imposed and conferred upon the treasurer of Cumberland County and said office shall be known as Treasurer-Accountant of Cumberland County. All warrants or orders for the disbursement from any funds of the county or subdivisions thereof shall be drawn on an official depository or official depositories of the county designated by the board of county commissioners and shall be signed by some officer other than the Treasurer-Accountant, as now required by law, and all officers and employees collecting and/or receiving public money shall deposit the same in said depository or depositories

Treasurer may be named Accountant. Requirements.

To be known as Treasurer-Accountant. Disbursement of County funds.

and shall report the same to the Treasurer-Accountant, as required by law for making and reporting such deposits to the county accountant; (c) the Treasurer-Accountant shall act as clerk to the board of county commissioners, record the proceedings of their meetings and shall, at each meeting of the board, read the minutes of the preceding meeting and have them properly approved by the board.

Clerk to Board
of Commissioners.

SEC. 3. That the board of commissioners of Cumberland County shall fix the salary of the county accountant and shall allow, with the approval of the board, for such clerical assistants and such other necessary expenses as may be incurred by the office of county accountant; *Provided*, that if the board appoint the treasurer to act as county accountant, such clerical assistants and other necessary expenses as may be incurred shall be allowed, with the approval of the board, for operating the office of Treasurer-Accountant.

Salary and
clerical as-
sistants.

SEC. 4. That in the event the board of commissioners does not appoint the treasurer to act as county accountant, such duties with respect to clerk to the board as provided in section two (c) above shall be imposed upon such person appointed as county accountant.

County Account-
ant to act as clerk
to Board.

SEC. 5. That all laws and clauses of laws in conflict with the provisions of this act shall be and the same are hereby repealed.

Conflicting laws
repealed.

SEC. 6. That this act shall be in force and effect from and after June thirtieth, one thousand nine hundred thirty-one.

Effective June
30, 1931.

Ratified this the 16th day of March, A.D., 1931.

CHAPTER 241

AN ACT TO AMEND, CHAPTER FOUR HUNDRED TWENTY-SIX, PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED NINETEEN, AS AMENDED BY CHAPTER FIVE HUNDRED NINETY-TWO OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED NINETEEN, CHAPTER FIVE HUNDRED FIVE OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED TWENTY-ONE, AND CHAPTER SIX HUNDRED FIVE OF PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED TWENTY-THREE, RELATING TO CERTAIN DUTIES OF THE BOARD OF HEALTH OF NEW HANOVER COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter four hundred and twenty-six Public-Local Laws of one thousand nine hundred and nineteen, as amended by chapter five hundred and ninety-two Public-Local Laws of one thousand nine hundred and nineteen, chapter five

Ch. 426, Public-
Local Laws 1919;
ch. 592, Public-
Local Laws 1919;
ch. 505, Public-
Local Laws 1921,
and ch. 605, Public-
Local Laws
1923, amended.

Meter Adjuster to inspect plumbing in New Hanover County under supervision of County Board of Health.

hundred and five Public-Local Laws of one thousand nine hundred and twenty-one, and chapter six hundred and five of Public-Local Laws of one thousand nine hundred and twenty-three be amended by adding immediately after section thirteen and before section fourteen in said act, a section to be known as section thirteen and one-half, as follows: In addition to the duties herein prescribed for said meter adjuster, The Board of Health of New Hanover County, may, by a majority vote of said Board of Health, require the Meter Adjuster of said county, to perform the duties of inspecting plumbing in said county. In which event the said Meter Adjuster shall inspect all plumbing in said county, under such regulations as are now prescribed, or may be hereafter prescribed, by the said Board of Health. And as compensation for services rendered in inspecting plumbing in said county, said Meter Adjuster shall, in addition to such compensation received for inspecting and testing meters and testing gas, receive such compensation as is now provided by said Board of Health, or may be hereafter provided, for inspection of plumbing.

Compensation.

Conflicting laws repealed.

SEC. 2. That all laws and parts of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in effect from and after its ratification.

Ratified this the 16th day of March, A.D., 1931.

CHAPTER 242

AN ACT TO PREVENT DEPREDATIONS OF DOMESTIC FOWLS IN SHARPESBURG AND OLIN TOWNSHIPS, IREDELL COUNTY.

The General Assembly of North Carolina do enact:

Depredations of domestic fowls prohibited.

SECTION 1. That it shall be unlawful for any person to allow his or her chickens, turkeys, or other domestic fowls to run at large upon the cultivated lands of another while crops are thereon, after being notified by the owner of such cultivated lands to keep them off.

Violation of Act made misdemeanor.

SEC. 2. That any person violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction be punished by a fine of not more than fifty dollars or imprisoned not more than thirty days.

In certain townships of Iredell County.

SEC. 3. That this act shall apply only to Sharpesburg and Olin Townships, Iredell County.

SEC. 4. That this act shall be in full force and effect from and after its ratification.

Ratified this the 16th day of March, A.D., 1931.

CHAPTER 243

AN ACT RELATING TO TAX LISTING IN
JOHNSTON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the auditor of Johnston County, or such other person as may hereafter be designated by the county commissioners of said county to prepare the tax books, is authorized and directed to furnish the list takers in the various townships in said county, on or before the first Monday in April of each and every year, blanks for listing real estate and personal property as provided by law and the said list takers are directed to personally inspect the personal property as well as real property, where practicable, with a view to seeing that all property is uniformly listed at its true market value in money, and they shall make returns thereof to the county auditor on or before the first day of June of said year.

List takers in Johnston County to be furnished with blank forms for listing taxes.

Personal inspection by list takers of property listed.

Returns to auditor.

SEC. 2. That upon receipt of said returns the county auditor shall publish a notice in some newspaper published in said county notifying the tax payers of the county that the abstract returns have been filed and will be open for twenty days for inspection and correction before he begins the preparation of tax books. After the expiration of said twenty days' notice, the auditor shall prepare the tax books for each township in alphabetical order showing the itemized rates of taxation for each purpose levied, including special tax districts, and he shall have said books ready to turn over to the tax collector not later than the fifteenth day of September in said year.

Notice of period of inspection and correction of lists.

Preparation of tax books.

Turning same over to Tax Collector.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 4. That this act shall be in full force and effect from and after its ratification.

Ratified this the 16th day of March, A.D., 1931.

CHAPTER 244

AN ACT TO PROVIDE FOR CLERICAL ASSISTANCE TO
THE CLERK OF THE SUPERIOR COURT OF GRANVILLE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the Clerk of the Superior Court of Granville County shall receive for regular clerical assistance in addition to his own salary a sum of not less than sixty nor more than one hundred dollars per month, said amount for clerical assistance to be fixed by the Board of Commissioners for said

Allowance to Granville County Superior Court Clerk for clerical assistance.

Maximum.

county, *provided* that the said Board of Commissioners may in their discretion allow the further sum of twenty-five dollars for additional clerical assistance in the office of said Clerk of the Superior Court when in their judgment the same shall be necessary.

Compensation heretofore paid to deputy clerk ratified.

SEC. 2. That the action of the Board of Commissioners for Granville County in heretofore paying to the deputy clerk of the Superior Court of said county more than sixty dollars per month and in paying for extra and necessary clerical assistance in the office of the Clerk of the Superior Court of said county is hereby ratified and confirmed, and the individual members of said board, both as now and as heretofore constituted, are hereby relieved of any and all liability therefor.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 4. That this act shall be in force from and after its ratification.

Ratified this the 16th day of March, A.D., 1931.

CHAPTER 245

AN ACT TO REPEAL CHAPTER THREE HUNDRED NINETY OF THE PUBLIC-LOCAL LAWS OF THE SESSION OF ONE THOUSAND NINE HUNDRED TWENTY-FIVE. RELATIVE TO FEES FOR RECORDING TITLE RETENTION CONTRACTS IN GRANVILLE COUNTY.

The General Assembly of North Carolina do enact:

Ch. 390, Public-Local Laws 1925, repealed, as to title retention contracts in Granville County.

SECTION 1. That Chapter three hundred and ninety of the Public-Local Laws of the session of nineteen hundred and twenty-five be and the same is hereby repealed.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 16th day of March, A.D., 1931.

CHAPTER 246

AN ACT TO AMEND CHAPTER NINETY-ONE OF THE PUBLIC-LOCAL LAWS OF NORTH CAROLINA, EXTRA SESSION ONE THOUSAND NINE HUNDRED TWENTY-ONE, RELATING TO THE PUBLIC HOSPITAL OF NUMBER SIX TOWNSHIP, CLEVELAND COUNTY, N. C.

The General Assembly of North Carolina do enact:

Ch. 91, Public-Local Laws ex-1921, amended.

SECTION 1. That chapter ninety-one of the Public-Local Laws of North Carolina, Extra Session one thousand nine hundred twenty-one, authorizing Number Six Township, Cleveland County, to erect and own a public Hospital and issue bonds

therefor be and the same is hereby amended as follows: That the Mayor and Board of Aldermen of the Town of Shelby shall meet on the first Monday in April, one thousand nine hundred thirty-one, and elect a board of trustees for said Shelby Hospital composed of seven members, all of whom shall be residents of Number Six Township, Cleveland County, North Carolina, and who shall serve as follows: Two members for one year; two members for two years and the following three members for three years, all of whom shall serve until their successors are elected and qualified. That when said trustees are elected and qualified they shall immediately become the Board of Trustees of said Shelby Hospital and shall succeed to all the powers, rights, privileges and duties of the present Board of Trustees composed of fifteen members, whose terms of office shall automatically expire upon the election and qualification of said new board. Upon the expiration of the terms of the trustees, as herein provided for, their successors shall be elected for a term of two years each by the Mayor and Board of Aldermen of the Town of Shelby.

SEC. 2. That in addition to the powers conferred upon the Board of Trustees under Chapter ninety-one, Public-Local Laws, Extra Session one thousand nine hundred twenty-one, the said Board shall have the further power to bargain, donate, transfer and convey all of the property, both real and personal, of the Shelby Hospital, to the Board of Commissioners of Cleveland County upon such terms and conditions as said Board of Trustees and said Board of Commissioners may mutually agree, and in the event said sale or transfer shall be agreed upon and made, said Board of Trustees shall have the right and power to execute a good and sufficient deed for such property, conveying same in fee simple, to said Board of Commissioners of Cleveland County, who shall thus hold said property for and on behalf of said County, and maintain same as a general public hospital for Cleveland County, with all the powers, rights and privileges heretofore granted under the act of incorporation herein referred to, and with the further power and authority conferred by Chapter two hundred sixty-two, Public-Local Laws of North Carolina, Session one thousand nine hundred twenty-three.

SEC. 3. That in the event the Board of Trustees and Board of Commissioners of Cleveland County shall agree upon a sale, donation or transfer of said Shelby Hospital and all of its property to the said Board of Commissioners for said Cleveland County, then said Board of Commissioners shall have the power and authority to change the name of said hospital to "Cleveland County Public Hospital" and by this name it may sue and be sued, receive donations and contributions, bequests and lega-

Number Six Township Hospital Trustees, Cleveland County, to be elected by Shelby Mayor and Aldermen.

Term of office.

Powers and duties.

Trustees authorized to negotiate sale of Hospital to Cleveland County.

Execution of deed.

In event of sale name to be changed to Cleveland County Public Hospital.

Incorporated.

cies, and become a body corporate, and transact any and all acts in its corporate capacity and succeed to all rights and privileges of its predecessor. That the Board of Commissioners, upon the consummation of said donation, purchase and transfer, shall immediately elect a new Board of Trustees, composed of not less than five nor more than seven members, all of whom shall be residents of Cleveland County, who shall serve for such terms as said Board of Commissioners may prescribe, and shall receive no compensation. This Board of Trustees, when elected and qualified, shall immediately take charge of said hospital and all property and appurtenances connected therewith, and shall have full power and authority in the operation and conduct of same and shall provide such rules and regulations as may be deemed wise for the management and government of said hospital. The Board shall organize by electing a president, vice-president and secretary. The Board shall have the power to elect or appoint all officials of the hospital, or may elect a Superintendent, and delegate such authority to said Superintendent as deemed wise with reference to the conduct and management of the hospital. Said Superintendent may also be the Treasurer of said hospital.

New Trustees and terms of office.

Powers of new Trustees.

To be operated as County institution.

SEC. 4. That when and if said hospital is transferred and conveyed to the Board of Commissioners it shall become the property of Cleveland County with the duty of supporting and maintaining said hospital as a public general hospital for the people of Cleveland County and to provide the necessary funds to supplement the income of the hospital for its proper maintenance, but Cleveland County shall not become liable in any way for the payment of the bonds, principal or interest, issued by Number Six Township for the building and equipment of said hospital, but the same shall be paid and discharged by said Number Six Township, as they become due.

Outstanding obligations not to be assumed by County.

Conflicting laws repealed.

SEC. 5. That all laws and clauses of laws in conflict with this act are hereby repealed, in so far as they conflict with same, and no further, and this act shall be in force from and after its ratification.

Ratified this the 17th day of March, A.D., 1931.

CHAPTER 247

AN ACT TO MAKE CERTAIN AND DESCRIBE THE BOUNDARY LINE BETWEEN LENOIR, DUPLIN AND WAYNE COUNTIES.

Preamble: Uncertainty of boundary line between Lenoir, Duplin and Wayne Counties.

Whereas, in the past there has been some misunderstanding relative to the exact boundary line between Lenoir, Duplin and Wayne Counties, and it was the desire of the County Commis-

sioners of each County to have the said line retraced and established;

And whereas, authority to retrace the said lines was given to Meriwether Lewis for Lenoir County, Bernhardt Waldenmaier for Duplin County and Ellis Preston Lupton for Wayne County, by the respective Boards of County Commissioners, and each engineer upon receiving the orders were properly sworn before a Justice of the Peace in his respective County in which each agreed to weigh the evidence which might be brought to his attention, to do equal and impartial justice to all parties concerned according to their several rights and according to law, and each swore also, to do the work according to his best knowledge and belief;

And whereas, each engineer has made his respective investigation, survey and report in compliance with the above agreement and orders, and the said line as established by them has been approved by the Board of Commissioners of each County and agreed on by them as the said line; *now, therefore*,

The General Assembly of North Carolina do enact:

SECTION 1. That the report of the three surveyors which has been approved by each of the County Boards of Commissioners, and copies of which are hereto attached, shall be and the same are adopted and the line therein set out by courses and distances, in the map hereto attached shall be and is the official dividing line between the respective counties of Lenoir, Duplin and Wayne, and the said reports are hereby ratified and approved in all respects, and the said line is declared to be the official dividing line between the said counties.

SEC. 2. A copy of each report is ordered recorded in the office of the Register of Deeds in each respective county.

SEC. 3. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 4. This act shall be in force and effect from and after ratification.

Ratified this the 17th day of March, A.D., 1931.

CHAPTER 248

AN ACT TO ABOLISH THE BOARD OF ROAD COMMISSIONERS OF THE COUNTY OF HERTFORD AND TO SUBSTITUTE THE BOARD OF COMMISSIONERS OF SAID COUNTY IN LIEU THEREOF.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Road Commissioners, created for Hertford County by Chapter three hundred and forty-seven, Public-Local Laws one thousand nine hundred and twenty-one,

New survey by engineers representing all Counties.

Report of engineers and agreed map confirmed as boundary.

Copy of report to be recorded in each County.
Conflicting laws repealed.

Ch. 347, Public-Local Laws 1921, amended, abolishing Road Trustees of Hertford County.

Duties transferred to County Commissioners.

Road property to be turned over to County Commissioners.

Powers and duties of County Commissioners with regard to roads

Conflicting laws repealed.

Effective July 1, 1931.

be and the same is hereby abolished and all the duties, powers and authority imposed upon such Board of Road Commissioners in said act be, and the same are, hereby transferred in full to the Board of County Commissioners of the county of Hertford.

SEC. 2. That immediately upon the ratification of this act, all the road machinery, funds and property of any and all kinds, now in the possession or under the control of the said Board of Road Commissioners of Hertford County shall be transferred, turned over and delivered to the Board of Commissioners of said county.

SEC. 3. That, in addition to the powers and authority herein transferred from the Board of Road Commissioners of Hertford County to the Board of County Commissioners, they shall have such other and further authority in the control, management, construction and maintenance of the public roads of said county as are contained in the general laws applicable to roads and highways.

SEC. 4. All laws and parts of laws in conflict with this act are hereby repealed.

SEC. 5. This act shall take effect from and after July first, one thousand nine hundred and thirty-one.

Ratified this the 17th day of March, A.D., 1931.

CHAPTER 249

AN ACT TO ALLOW THE MOUNT HOLLY SCHOOL BOARD TO USE THE SURPLUS ARISING FROM THE LEVY OF TAXES FOR BONDS AND INTEREST TO RETIRE AN OBLIGATION TO THE BOARD OF EDUCATION OF GASTON COUNTY FOR MONEY BORROWED IN LIEU OF ISSUING BONDS FOR COMPLETION OF SCHOOL BUILDING.

Preamble: Indebtedness of Mount Holly School Board to Gaston County.

Whereas, the Mount Holly School Board is indebted to the County Board of Education of Gaston County in the sum of Fifteen Thousand Six Hundred Ninety-Nine Dollars and Forty-Seven Cents for money borrowed in lieu of issuing bonds for completion of school building; and

Surplus of bond funds.

Whereas, said Mount Holly School Board has a surplus in its bond funds over and above the requirements to meet the bonded indebtedness of said district, arising from the levy of taxes for bonds and interest, sufficient to pay said indebtedness to the County Board of Education; and

Whereas, the Mount Holly School Board is anxious to liquidate said debt to the County Board of Education to avoid the continued payment of interest on same: *Now, therefore*,

The General Assembly of North Carolina do enact:

SECTION 1. That the Mount Holly School Board is hereby authorized to use any surplus bond funds it has to its credit in the Treasury of Gaston County in liquidating its debt to the County Board of Education, *Provided* the same does not necessitate an increased tax levy to take care of the bonds of said district as they mature.

Board authorized to turn over such surplus to County in retiring indebtedness.

SEC. 2. That the said funds shall not be used in liquidation of the aforesaid indebtedness to the County Board of Education until after the annual audit in July, nineteen hundred and thirty-one.

Payment not to be made till after 1931 audit.

SEC. 3. That the auditor for Gaston County shall determine the amount of the surplus in the said bond funds to the credit of the Mount Holly School Board in making his audit in July, nineteen hundred and thirty-one.

Bond surplus to be shown in audit.

SEC. 4. This act shall be in force and effect from and after its ratification.

Ratified this the 17th day of March, A.D., 1931.

CHAPTER 250

AN ACT TO ALLOW THE MOUNT HOLLY SCHOOL BOARD TO USE THE SURPLUS ARISING FROM THE LEVY OF TAXES FOR BONDS AND INTEREST TO RETIRE AN OBLIGATION TO THE BOARD OF EDUCATION OF GASTON COUNTY FOR MONEY BORROWED IN LIEU OF ISSUING BONDS FOR COMPLETION OF SCHOOL BUILDING.

Whereas, the Mount Holly School Board is indebted to the County Board of Education of Gaston County in the sum of Fifteen Thousand Six Hundred Ninety-Nine Dollars and Forty-Seven Cents (\$15,699.47) for money borrowed in lieu of issuing bonds for completion of school building; and

Preamble: Indebtedness of Mount Holly School Board to Gaston County.

Whereas, said Mount Holly School Board has a surplus in its bond funds over and above the requirements to meet the bonded indebtedness of said district, arising from the levy of taxes for bonds and interest, sufficient to pay said indebtedness to the County Board of Education; and,

Surplus of bond funds.

Whereas, the Mount Holly School Board is anxious to liquidate said debt to the County Board of Education to avoid the continued payment of interest on same, *therefore*,

The General Assembly of North Carolina do enact:

SECTION 1. That the Mount Holly School Board is hereby authorized to use any surplus bond funds it has to its credit in the Treasury of Gaston County in liquidating its debt to the County Board of Education.

Board authorized to turn over such surplus to County in retiring indebtedness.

Payment not to be made till after 1931 audit.

SEC. 2. That the said funds shall not be used in liquidation of the aforesaid indebtedness to the County Board of Education until after the annual audit in July One Thousand Nine Hundred and Thirty-One.

Bond surplus to be shown in audit.

SEC. 3. That the Auditor for Gaston County shall determine the amount of the surplus in the said bond funds to the credit of the Mount Holly School Board in making his audit in July One Thousand Nine Hundred and Thirty-One.

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. This Act shall be in force and effect from and after its ratification.

Ratified this the 17th day of March, A.D., 1931.

CHAPTER 251

AN ACT REQUIRING EACH TREASURER IN EACH SPECIAL CHARTERED SCHOOL DISTRICT IN CASWELL COUNTY TO PUBLISH RECEIPTS AND DISBURSEMENTS.

The General Assembly of North Carolina do enact:

Treasurers of special chartered school districts in Caswell County to publish semi-annual statement of receipts and disbursements.

SECTION 1. That it shall be the duty of the treasurer of each of the Special Chartered School Districts in Caswell County to publish at the courthouse door at Yanceyville and at the school house door of his district a statement showing the amount of money received by him and the amount paid by him to other persons and for what purpose. That said statement shall be published as of January first and July first, of each and every year and posted within fifteen days thereafter.

Violation made misdemeanor.

SEC. 2. That any person violating the provisions of this act shall be guilty of a misdemeanor and shall be fined not exceeding fifty dollars or in prison not exceeding thirty days.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this act are hereby repealed.

Effective July 1, 1931.

SEC. 4. That this act shall be in force and effect from and after July first, nineteen hundred and thirty-one.

Ratified this the 17th day of March, A.D., 1931.

CHAPTER 252

AN ACT CREATING FIVE DISTRICTS IN MOORE COUNTY FOR THE SELECTION OF COUNTY COMMISSIONERS.

The General Assembly of North Carolina do enact:

Moore County divided into five districts for election of Commissioners.

SECTION 1. That there shall be, and the same is hereby created, five districts in Moore County for the nomination and election of County Commissioners.

SEC. 2. That at the next general primary and the next general election in one thousand nine hundred and thirty-two, and every two years thereafter, there shall be nominated and elected respectively one commissioner from each district, and the districts shall be numbered one, two, three, four and five, and shall comprise the following townships:

(a) District number one shall be composed of Carthage Township.

(b) District number two shall be composed of Ben Salem and Sheffield Townships.

(c) District number three shall be composed of Deep River and Ritters Townships.

(d) District number four shall be composed of Greenwood and McNeills Townships.

(e) District number five shall be composed of Sandhills and Mineral Springs Townships.

SEC. 3. That the candidates in the primary from each respective district shall be voted on by all of the qualified voters of Moore County, and the candidate from each respective district who shall receive the largest number of votes shall be declared to be the nominee of his party, duly nominated as the candidate from said district for the general election, and said candidates shall be voted on in the general election by all of the qualified voters of said Moore County.

SEC. 4. That in addition to the present Board of County Commissioners consisting of three members, Frank Cameron, of Greenwood Township (District number four), and G. C. Seymour, of Sandhills Township (District number five), be and they are hereby appointed commissioners to serve until the first Monday in December, one thousand nine hundred and thirty-two. Any vacancies in said Board resulting from death, resignation or other cause, shall be filled by appointment by the Clerk of the Superior Court of Moore County.

SEC. 5. That the laws governing the election of County Commissioners not in conflict with this act shall be as provided by statute.

SEC. 6. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 7. That this act shall be in full force and effect from and after its ratification.

Nomination and election of Commissioners by districts.

Description of districts.

Candidates to be voted on by County at large.

Additional Commissioners appointed to serve till next election.

Vacancies.

General election laws applicable.

Conflicting laws repealed.

Ratified this the 17th day of March, A.D., 1931.

CHAPTER 253

AN ACT TO CREATE A BOARD OF FINANCIAL CONTROL FOR BUNCOMBE COUNTY, AND CERTAIN BODIES POLITIC AND MUNICIPAL CORPORATIONS THEREIN, AND TO DEFINE THE POWERS AND DUTIES THEREOF.

The General Assembly of North Carolina do enact:

Creation of Board of Financial Control for Buncombe County.

SECTION 1. There is hereby created a Board to be known as the Board of Financial Control for Buncombe County and said Board shall have and possess all of the powers conferred by this act and such other powers as may be useful or necessary to permit it to fully carry out the purposes of this act. For the purpose of exercising the powers and the governmental administrative functions only as set out in Sections twenty-six to forty-one hereof, both inclusive, for the use and benefit of the bodies politic and municipal corporations hereinafter made subject to the provisions of this act, said Board is hereby declared to be a corporation with perpetual succession the right to use a corporate seal, to sue and be sued, and to purchase or otherwise acquire, hold, manage, control, lease, sell and otherwise dispose of property, real and personal.

Incorporated.

Five members.

SEC. 2. Said Board of Financial Control shall consist of five members, all of whom shall be qualified electors of Buncombe County, two known as the Asheville members shall be residents of the City of Asheville; one known as the County member shall be a resident of said County outside of the corporate limits of said City of Asheville; and two shall be known as members at large. Verne Rhoades and Charles E. Rudd as Asheville members; J. E. Swain as County member; and C. Fred Brown and Tench C. Coxe as members at large appointed members of said Board to hold office as follows:

Qualifications for membership as to residence.

Personnel.

Terms of office of appointees.

C. Fred Brown a member at large, until the second Monday in February, one thousand nine hundred and thirty-two; County member J. E. Swain and City member Charles E. Rudd until the second Monday in February, one thousand nine hundred and thirty-three, and member at large Tench C. Coxe and City member Verne Rhoades until the second Monday in February, one thousand nine hundred and thirty-four, and until the election and qualification of their respective successors. Thereafter, as the term of office of any member of said Board expires, his successor shall be elected or appointed not more than thirty days prior to the expiration of his term of office for a term of three years as follows:

The City members shall be elected at a public meeting by the governing body of the City of Asheville; the County member shall be elected at a public meeting by the governing body of the County of Buncombe, and members at large shall be elected at a joint session of the governing bodies of Buncombe County and the City of Asheville. Such joint session shall be called by the presiding officer of the governing body of Buncombe County and ten days' notice in writing shall be given to each member of each of said governing bodies. Such meeting shall be held not more than thirty days prior to the date on which the term of office of a member at large of the Board of Financial Control is to expire. At such meeting, the members of the governing body of Buncombe County shall have one vote and the members of the governing body of the City of Asheville shall have one vote, such votes to be cast as the members of said respective governing bodies shall by ballot determine. In the event said member at large shall not be chosen at such joint meeting or within thirty days thereafter in the manner above provided, then such member at large shall be appointed by the Governor of North Carolina.

In the event any member of said Board of Financial Control shall die or resign or otherwise cease to be a member thereof, the body or public officer having authority to make appointments to such vacant office shall fill the vacancy existing for the unexpired term of said member by election at a public meeting or by appointment as hereinbefore provided.

SEC. 3. The Board of Financial Control of Buncombe County shall hold its first meeting at noon on the second Monday following the ratification of this act and at said meeting said Board shall elect one of its number chairman to serve as such until the second Monday in February, one thousand nine hundred and thirty-two; thereafter, at its regular meeting in February of each year the Board shall elect one of its members chairman for a term of one year and any vacancy in the office of chairman shall be so filled by the Board for the unexpired term. The tax supervisor, hereinafter provided for, shall be ex-officio clerk of said Board, and shall keep a full and complete journal of its proceedings which shall be open to public inspection. Said Board shall elect a tax supervisor. A tax collector shall be elected as now provided by law for the election of a tax collector for Buncombe County. They shall respectively perform the duties hereinafter set out and shall hold their respective offices for a term of two years, or until their successors are elected and qualified, but H. Grady Ragan is hereby appointed tax supervisor for said Board, for a term expiring on the first Monday of February, one thousand nine hundred and thirty-

Election of successors by governing body of Asheville and Buncombe County.

Notice of meeting for election.

Governor to break tie.

Governor to break tie on member at large.

Vacancy appointments.

Organization meeting.

Chairman.

Clerk to Board.

Election of tax supervisor and tax collector.

Temporary appointments.

three and Robert C. Collins is hereby appointed tax collector for said Board for a term of two years beginning on the first day of July, one thousand nine hundred and thirty-one. Thereafter, such officers shall be elected as aforesaid.

Removal of appointees.

SEC. 4. The Board shall have power to remove its tax supervisor, its tax collector or the head of any other department established by it, for cause, but only after notice to such officer in writing setting out the cause alleged, and an opportunity to be heard at a public meeting of said Board. All employees of said Board shall be elected by said Board on nominations made by the head of the department in which said employee is to be employed, except that department heads shall have the right to fill vacancies in their respective departments until the next regular meeting of the Board and to select employees for temporary employment not exceeding sixty days. Any employee of a department may be removed by the head of that department or by the Board in regular or special session.

Selection of employees.

Removal.

Regular meetings of Board.

SEC. 5. Regular meetings of the Board of Financial Control shall be held on the second Monday of each month at such hour as the Board may by resolution provide. Special meetings may be held on the call of the chairman after such notice to the members of said Board as the Board may determine. Two members of said Board shall constitute a quorum. All meetings of said Board shall be open to the public.

Quorum.

Departmental activities.

SEC. 6. The activities of the Board of Financial Control, in the exercise of the powers conferred by this act, shall be carried on in the following departments:

Departments enumerated.

A Department of Budgets; a Department of Tax Assessments and Records; a Department of Tax Collections; and a Department for Liquidation of Securities. The chairman of the Board shall be ex-officio head of the Department of Budgets. The tax supervisor of the Board shall be head of the Department of Tax Assessments and Records and the tax collector of the Board shall be head of the Department of Tax Collections.

Department of budgets.

Department of Budgets

Control over all budgets in County.

SEC. 7. The Board of Financial Control shall have supervision and control as hereinafter provided, of the budgets of the Board of Commissioners of Buncombe County, the Board of Education of Buncombe County, the City of Asheville, the Trustees of the Woodfin Sanitary Water and Sewer District and any special charter school district now or hereafter existing in said County and, for the purpose of facilitating such supervision and control, the fiscal year of all of said bodies politic and municipal corporations shall begin July first, and end June thirtieth, following. In the event any one or more of said bodies politic or

Fiscal year.

municipal corporations now has a fiscal year beginning and ending on other dates, then the first budget of each of them, prepared and submitted as hereinafter provided, shall be for a period beginning on the first day of its fiscal year as now established and terminating June thirtieth, next following.

SEC. 8. The Board of Commissioners of Buncombe County, the Board of Education of said County, the Governing Board or Council of the City of Asheville, the Trustees of the Woodfin Sanitary Water and Sewer District and the governing body of any special charter school district now or hereafter created and existing in said County shall, on or before July tenth of each year, submit to the Board of Financial Control, in duplicate, the proposed budgets for their respective bodies politic, or municipal corporations, for the fiscal year beginning July first. The budget for the City of Asheville shall be prepared in the manner provided in the Municipal Finance Act; the budget for Buncombe County in the manner provided in the County Fiscal Control Act; the budget of the Board of Education in the manner provided by sub-chapter seven of Chapter ninety-five of the Consolidated Statutes and any other budgets required to be submitted in such manner as the Board of Financial Control may by rules and regulations provide. The Board of Financial Control shall have power, at any time after the receipt of a proposed budget and before its final approval, to request the governing body submitting the same to furnish it with additional information as to any item or items contained therein and any other information necessary or proper to be considered in fixing the amount of any item or items of said proposed budget and such information so requested shall, if available, be promptly furnished.

SEC. 9. With each budget submitted, as hereinbefore provided, there shall be submitted a record of the receipts of the body politic, or municipal corporation, for which such budget is submitted, from any and all sources other than ad valorem taxes for the next preceding and the second preceding fiscal years, said record to show receipts from each source for each fiscal year separately. There shall also be submitted an estimate of receipts from each of said sources for the fiscal year for which the proposed budget is submitted. In the event the body politic or municipal corporation for which any budget is submitted under the terms of this act, is entitled to levy any taxes, assessments, inspection fees or other revenue producing charges of any kind, any and all resolutions or ordinances designed to produce revenue, other than from ad valorem taxes, during the fiscal year for which such proposed budget is submitted, shall be adopted prior to the date when such proposed

Proposed budgets to be submitted to Board in duplicate.

Time of submitting.

Additional information on budgets may be required.

Budgets to be accompanied by statements of receipts and disbursements for preceding two years.

Also estimates for ensuing year.

Also estimates of receipts other than ad valorem taxes.

budget is submitted and a copy thereof shall accompany said proposed budget.

Publication of all budgets before adoption.

SEC. 10. The Board of Financial Control, upon receiving from any body politic, or municipal corporation subject to the provisions of this act, its proposed budget, shall forthwith cause the same, in such detail as it shall deem proper, but in no event in less detail than is now or may hereafter be required by statute, to be published once in the newspaper having the largest or second largest circulation in Buncombe County, North Carolina, and in all copies of that edition of such paper having the largest circulation in Buncombe County and with said budget give notice of the meeting of said Board of Financial Control at which a public hearing on said budget will be held.

Public hearing.

SEC. 11. The Board of Financial Control shall, within twenty-one days after the receipt of all of said proposed budgets and after public hearings on each, approve or disapprove the same. If a proposed budget is approved a resolution to that effect shall be adopted by the Board of Financial Control and forwarded to the governing body submitting said budget so approved, together with a copy of the budget so approved, and, upon the adoption of such resolution approving a proposed budget, such proposed budget shall become the budget of the body politic or municipal corporation, for which it has been submitted, for the then current fiscal year.

Resolution of approval of budgets.

Resolution of disapproval.

SEC. 12. In the event said Board of Financial Control shall disapprove a budget, it shall adopt a resolution setting forth such disapproval, the items disapproved, and the reasons therefor, and indicating the total amount for such proposed budget which it will approve, and transmit said resolution, with a copy of said budget so disapproved, to the governing body submitting the same. Said governing body, within five days after the receipt of said disapproved budget, and without regard to any provisions of general law relating to the adoption of budgets, may make such reductions or eliminations of items thereof as first submitted, as will bring the total thereof within the total indicated by the resolution of the Board of Financial Control, but said budget shall not be otherwise changed, and the governing body first submitting such budget shall by resolution approve the amended budget and send a copy of said amended budget, with a copy of said resolution, to the Board of Financial Control and such amended budget, when approved by said Board of Financial Control, shall thereupon become the budget of such body politic for the then current fiscal year.

Reductions to be made.

Amended budgets.

Reductions made by Board upon failure of governing body to act.

If the governing body to which a disapproved budget is returned shall fail to amend the same as aforesaid, or request a hearing thereon, as hereinafter provided, within five days from receipt thereof, the Board of Financial Control shall forthwith

make such reductions of items in the proposed budget first submitted by said Board or Council, as shall bring the total of said budget within the amount previously indicated as acceptable by said Board of Financial Control and shall adopt said budget as amended, by proper resolution, and transmit a copy of said resolution and of said budget, so adopted, to the governing body of the body politic first submitting the same and thereupon such amended budget shall become the budget for such body politic for the then current fiscal year.

SEC. 13. In lieu of amending a disapproved budget, as hereinbefore provided, the governing body of a body politic or municipal corporation receiving the same may, within five days after its receipt, request of the Board of Financial Control a public hearing on the proposed budget and such Board of Financial Control, upon receipt of such request, shall fix a time not more than three days after the receipt of such request for such public hearing. At such hearing full consideration and discussion of such budget, and of the items contained therein, shall be permitted by the members of the governing body of the body politic, or municipal corporation, for which such budget was submitted or by representatives designated by them for that purpose, or by citizens of the body politic or municipal corporation the budget of which is under consideration; and within two days after such hearing, the Board of Financial Control shall, by resolution, adopt a budget for said body politic or municipal corporation, in the manner hereinbefore provided in the case of the failure of a governing body to amend a disapproved budget or ask for a public hearing thereon as hereinbefore provided.

SEC. 14. The Board of Financial Control is further authorized and empowered, on the request of the governing body of any body politic or municipal corporation over whose budget it is given supervision as aforesaid, to authorize and approve a temporary budget, or temporary budgets, covering necessary current operating expenses only for that portion of the fiscal year which will elapse, or probably elapse, prior to the final adoption of the budget for such body politic, or municipal corporation. The Board of Financial Control at the request of the Board of Education or of the governing body of any special charter school district at any time within ninety days prior to the beginning of the fiscal year and in the manner hereinbefore provided shall approve and/or adopt a special budget for the next fiscal year covering the salaries of teachers with whom such Board of Education or governing body desires to make or approve contracts prior to the adoption of the regular budget. All items included in any temporary or special budget, provided for in this section, shall be included in the permanent budget when adopted; and all disbursements made under the authority of the temporary

Hearing granted if given budget is disapproved.

Details of hearing.

Adoption of budget after hearing.

Temporary budgets may be approved pending final adoption.

Temporary school budgets.

budget shall be charged to the appropriate items of the permanent budget when adopted.

Annual appropriation resolutions upon adoption of budgets.

SEC. 15. Upon the adoption of a budget for any body politic or municipal corporation subject to the provisions of this Act, the annual appropriation ordinance or resolution for such body politic or municipal corporation shall be adopted as now or hereafter provided by general law. No appropriation ordinance or resolution for any such body politic or municipal corporation shall contain any appropriation not set up in the approved budget for such body politic or municipal corporation and the total appropriations in any such ordinance or resolution shall not exceed the total amount of such approved budget. No further, supplemental, additional or amendatory appropriation ordinance or resolution adopted for any such body politic or municipal corporation in or for such fiscal year shall be effective unless the same before final adoption shall have been submitted to the Board of Financial Control and after advertisement and a public hearing as provided in Section ten hereof, approved by such Board. After such approval, such further supplemental, additional or amendatory appropriation ordinance or resolution shall be adopted for such body politic or municipal corporation as now or hereafter provided by general law.

Requisites.

Approval of appropriations by Board.

Temporary appropriations.

A temporary appropriation resolution or ordinance may be adopted for any body politic or municipal corporation subject to the provisions of this act based on a temporary budget approved as aforesaid, in the manner now or hereafter provided by law. The provisions of the second sentence of this Section in so far as applicable shall be observed in adopting any such temporary appropriation ordinance or resolution.

Expenditures not included in budgets prohibited.

SEC. 16. No governing body of a body politic or municipal corporation, subject to the provisions of this act or officer or employee thereof, shall authorize, permit or make any expenditure for or on behalf of any such body politic or municipal corporation which is not included in the annual or a temporary or a supplemental, additional or amendatory appropriation ordinance or resolution adopted for such body politic or municipal corporation, or is not provided for by bonds or notes previously duly authorized and approved pursuant to this act and general law, nor shall any such governing body, or officer or employee thereof, make any contract providing directly or indirectly for any such expenditure and any such contract so made, or attempted to be made, shall be voidable at the option of the governing body of the body politic or municipal corporation in whose name, or in whose behalf, such contract is made, or attempted to be made.

Debt service may be included in budgets.

SEC. 18. In the event any body politic or municipal corporation subject to the provisions of this act shall be obligated to make any disbursements properly chargeable to "debt service"

within twenty-five days after the expiration of a fiscal year, the budget for which is submitted to the Board of Financial Control, it shall be lawful for the governing body of such body politic, or municipal corporation, in submitting its proposed budget for such fiscal year, to include such items of disbursement chargeable to "debt service" and such items shall be included in the budget as finally approved, subject to the power of the Board of Financial Control to correct clerical errors therein and subject to the provisions of Section twenty-one hereof.

SEC. 19. In the event the governing body of any body politic or municipal corporation subject to the provisions of this act shall deem it necessary or expedient to issue and sell any bonds, notes or other obligations of such body politic, or municipal corporation, for any purpose, the said governing body shall before taking any steps to accomplish such purpose under any procedure now or hereafter authorized by law, request and procure the approval of the purpose and maximum amount of such issue by the Board of Financial Control. A request for such approval shall set out in detail such purpose or purposes for which such indebtedness is to be incurred and the maximum amount thereof and all other information which said Board of Council has and which the Board of Financial Control may desire to have before it in acting upon such application for approval.

SEC. 20. The Board of Financial Control shall approve or disapprove the purpose and maximum amount of such proposed bond or note issue within seven days after such request for approval has been received and the action of said Board of Financial Control in disapproving such request shall be final. The Board of Financial Control before acting on such request shall publish a notice setting forth the fact that such request has been received and the pertinent statements contained therein and fixing a date not later than that on which the Board will act on such request on which at a public meeting the Board will hear from any elector of the County desiring to discuss such request. Such notice shall be published once in the daily newspaper in Buncombe County having the largest or second largest circulation and in all copies of that issue of such paper having the largest circulation in said County. If such request is approved, then the governing body making such request may proceed with such bond or note issue in the manner now or hereafter provided by law.

SEC. 21. The power and discretion is hereby vested in the Board of Financial Control to determine whether any funded or unfunded indebtedness of any body politic or municipal corporation subject to the provisions of this act, falling due during any fiscal year, or within twenty-five days after the end thereof, and subject to be paid, funded or refunded under the pro-

Approval of Board necessary before issuance of bonds or notes.

Request for approval.

Publication of notice of request before final action.

Hearing.

Approval of request.

Board to act upon funding and re-funding existing indebtedness.

visions of law as now or hereafter existing, shall be so funded or refunded in whole or in part, or whether items to cover the payment thereof, in whole or in part, shall be included in the budget and appropriation resolution for such fiscal year, and to that end the Board of Financial Control is authorized and empowered, in passing on the proposed budget of any such body politic, or municipal corporation, to insert in, or remove from, that portion of such proposed budget relating to "debt service" items covering the payment of principal of indebtedness of such body politic, or municipal corporation, or any subdivision thereof, falling due during such fiscal year, or within twenty-five days after the end thereof, and/or to increase or diminish the amount of any such item already included in such proposed budget, any provisions of any other section in this act to the contrary notwithstanding.

Department of
Tax Assessments
and Records.

Department of Tax Assessments and Records.

Board to super-
vise assessment
and listing of
property for taxa-
tion.

SEC. 22. The Board of Financial Control, its tax supervisor and tax commission, shall, in the manner hereinafter set out, have exclusive power and authority in the County of Buncombe, and in behalf, and for the use and benefit of the bodies politic and municipal corporations hereinbefore made subject to the provisions of this act to carry out, supervise and control the assessment and listing of property, real and personal, for taxation, including all of the duties and all of the rights and powers in connection therewith, imposed or conferred by the Machinery Act of one thousand nine hundred and twenty-nine and/or which may be hereafter imposed or conferred by a law or laws amending, supplementing or superceding said Machinery Act of one thousand nine hundred and twenty-nine and/or relating to the same subject matter, including more particularly, by way of illustration but not of limitation, the following powers:

Quadrennial as-
sessment.

(a) The power to make, supervise and control the quadrennial assessment of property for taxation.

Listing and
assessing.

(b) The power to direct, carry out and control the annual listing and assessing of property in years other than the quadrennial assessment years.

Equalization and
review.

(c) The power to perform all of the duties of the Board of Equalization and Review.

Making tax lists.

(d) The powers to make out the tax list.

Duties above con-
ferred on Depart-
ment of Tax As-
sessments and
Records.

SEC. 23. The powers conferred by the next preceding section shall be exercised through the Department of Tax Assessments and Records of which the tax supervisor of the Board of Financial Control shall be the chief executive officer. All duties to be performed in connection with the exercise of the powers conferred by the next preceding section shall be performed by

said tax supervisor, except as herein provided. Said tax supervisor shall be the County Supervisor of Taxation, within the meaning of the Machinery Act, and perform the duties and exercise the powers of that office. The statutory powers and duties of the Board of Equalization and Review shall be performed by a Board to be known as the Tax Commission of Buncombe County to consist of the chairman of the Board of Financial Control and the Tax Supervisor of said Board, ex-officio, and three other members appointed, one by the governing body of Buncombe County, one by the governing body of the City of Asheville, and one by the Board of Financial Control, when a vacancy in said Tax Commission to be filled by appointment to be made by the authority authorized to appoint in the first instance. The three members of the Tax Commission first appointed as aforesaid shall hold office until the second Monday of February One Thousand Nine Hundred and Thirty-Three and thereafter such members shall be appointed for a term of two years. Chapter two hundred and ninety-six of the Public-Local Laws of one thousand nine hundred and twenty-nine, creating a tax commission for Buncombe County, North Carolina is hereby repealed.

SEC. 24. The tax supervisor of the Board of Financial Control shall, on or before the first Monday of October of each year, submit to the Board of Financial Control for its approval, the tax list for that year as prepared by him. Such tax list, if found in proper form, shall be approved by a resolution of said Board and delivered to the tax collector of said Board for collection and, from the date of such delivery, such tax collector shall be chargeable with the collection of every item contained in said tax list in the manner now or hereafter provided by law. Such tax list, as to each item contained therein, shall show the portion of such item payable to each of the bodies politic, or municipal corporations, subject to the provisions of this act. There may be included on the tax list, in or as one item, the taxes of any property owner on all of the real and personal property listed by, or for, him in any ward or township in Buncombe County.

SEC. 25. Tax rates shall be fixed and established and tax levies made and the duties and powers incidental thereto exercised as to each body politic and municipal corporation subject to the provisions of this act as now or hereafter provided by general law. The tax supervisor, immediately upon ascertaining in any fiscal year the total assessed valuation of the property subject to ad valorem taxation for any such body politic or municipal corporation, shall notify the body charged with the duty of fixing the tax rate and making the tax levy for such body politic or municipal corporation the amount of such total.

Tax supervisor:
duties.

County Tax
Commission.

Appointment of.

Terms of office.

Ch. 296, Public-
Local Laws 1929.
repealed.

Submission to
Board of tax list.

Approval.

Contents of list.

Tax rates and
levies.

Notification to
units of total
amount of taxes
on list.

Such tax rates shall be so fixed and established and such levies so made that the amount of ad valorem taxes for any such body politic or municipal corporation when added to its estimated revenues from other sources will provide a total revenue for such body politic or municipal corporation equal to its budget and equal to the appropriations made to meet such budget.

Department of
Tax Collections.

Department of Tax Collections.

Power of Board
over tax collec-
tions.

SEC. 26. The Board of Financial Control and its tax collector shall have exclusive power and authority, as hereinafter provided, in the County of Buncombe, and in behalf of and for the use and benefit of the bodies politic and municipal corporations subject to the provisions of this act, to make, supervise and control the collection of taxes. It shall perform all of the duties and have and possess and may exercise all of the rights and powers in connection therewith, imposed and granted by sub-chapter three of Chapter one hundred and thirty-one of the Consolidated Statutes, and any acts amending, supplementing and/or superseding the same and/or relating to the same subject matter now or hereafter adopted, including more particularly, by way of illustration but not of limitation, the following powers:

General law ap-
plicable.

(a) The power to collect any and all taxes levied in the manner provided and authorized by this act.

Powers enumer-
ated.

(b) The power to prescribe or grant all discounts and impose and collect all penalties in connection with the payment or non-payment of taxes allowed by law.

Collection of
taxes.

(c) The power to institute and conduct attachment and garnishment proceedings for the collection of taxes as provided by law.

Discounts and
penalties.

(d) The power to sell real estate for non-payment of taxes and issue certificates of sale for real estate so sold, to the purchaser thereof.

Attachment and
garnishment.

(e) The power to purchase, in the name of the Board of Financial Control, any and all pieces and parcels of real estate or other property, sold for the non-payment of taxes, in default of other bidders of an amount sufficient to pay the unpaid taxes thereon and the costs of sale thereof. Each piece or parcel of property so purchased shall be held by the Board of Financial Control for the use and benefit of the several bodies politic and municipal corporations entitled to receive a portion of the taxes levied on such parcel, in proportion to their respective interest in the total amount of such tax item.

Sale of real
estate.

(f) The power to institute and conduct in the name of the Board of Financial Control suits for foreclosure of tax liens and tax certificates.

Purchase of real
estate at sale.

Suits for fore-
closure of cer-
tificates.

(g) The power to purchase property at any sale thereof made in any proceeding to foreclose a tax lien or a tax certificate, and to take title thereto in the name of the Board of Financial Control. Any property so purchased shall be held by the Board of Financial Control for the use and benefit of the several bodies politic and municipal corporations entitled to receive a portion of the taxes levied on such parcel, in proportion to their respective interests in the total amount of such tax item.

Purchase of property at foreclosure sales.

(h) The power to sell and convey any and all property, including tax sale certificates purchased as hereinbefore authorized or received and held under the provisions of Section thirty-two hereof, to such person and for such price, and on such terms, as to the Board of Financial Control shall seem for the best interests of the bodies politic and municipal corporations, for the use and benefit of whom such property is held, *Provided* that no tax sale certificate shall be sold for an amount less than the amount of unpaid taxes and costs indicated thereon. No real property or personal property other than tax sale certificates shall be sold for an amount less than the total unpaid taxes thereon and costs and expenses incurred in connection therewith and interest on such items to date of sale, without the authority of the governing bodies of the several bodies politic and municipal corporations having an equitable interest therein. The owner of any real or personal property owned and held by the Board of Financial Control as aforesaid, or the successor or successors in title of such owner shall have the right at any time before the sale and conveyance of such property by the Board of Financial Control as aforesaid to purchase said property for a consideration equal to the unpaid taxes on such property plus interest, costs, penalties and charges thereon allowed by law and interest on such items to date of purchase and on payment of such consideration shall receive from the Board of Financial Control a conveyance of such property without warranty.

Sale and conveyance of property thus purchased and certificates.

Minimum sale price.

Redemption of property by owner.

SEC. 27. Of the powers conferred by the next foregoing Section, the power to collect taxes and penalties, to institute and conduct attachment and garnishment proceedings and to sell property for non-payment of taxes shall be exclusively exercised by the tax collector of the Board of Financial Control under the supervision of said Board of Financial Control. All other of said powers shall be exercised by the Board of Financial Control, or by its authorized agent or representative.

Above powers to be exercised by tax collector.

SEC. 28. The Board of Financial Control shall have the right to fix and allow discounts for prompt payment of any and all taxes collectible by the tax collector and fix, impose and collect penalties for failure to pay any and all such taxes within the

Fixing of discounts and penalties.

General law applicable.

time required by law to such an extent as they shall deem for the best interests of the bodies politic and municipal corporations made subject to the provisions of this act, *provided* that no discount shall be fixed or allowed and no penalty shall be fixed, imposed or collected in violation of the provisions of general law.

Rules for paying taxes in installments.

Said Board of Financial Control may also, in its discretion, establish rules for the payment of taxes in installments and may in its discretion provide that discounts given for payment of taxes and/or penalties imposed for non-payment of taxes, whether such discounts and penalties are mandatory under existing statutes or not, shall not apply to payments of taxes in regular installments at fixed and stated intervals, if such payments are made in accordance with the rules established for payment thereof.

Daily deposits of tax collector.

SEC. 29. The tax collector of the Board of Financial Control shall before eleven o'clock, A. M., on each business day, deposit in a banking depository designated by a body politic, or a municipal corporation, subject to the provisions of this act, to the credit of such body politic or municipal corporation, or pay to the treasurer or other officer of such body politic, or municipal corporation, designated by the governing body thereof, any and all money and taxes collected by him during the next preceding business day belonging to such body politic or municipal corporation as indicated by the tax list. Said tax collector shall at the same time deliver to each officer, other than a banking depository, to whom such payment is made, a statement showing in detail all collections, made by him during the preceding business day, of moneys belonging to the body politic, or municipal corporation, represented by such treasurer or officer, and shall also deliver a copy of said statement to the chief executive officer of such body politic or municipal corporation, or to some other person by the governing body thereof designated to receive the same. Copies of all of such statements shall also be delivered by the tax collector to the chairman of the Board of Financial Control. In the event any business day is a banking holiday, said tax collector shall on the next succeeding business day deposit in any bank designated as a depository as aforesaid, any and all moneys that should, under the provisions of this act, have been deposited in said depository on said holiday, had said bank been open for business.

Deposit statement to be furnished.

Granting of additional day for deposit in emergency.

In case of emergency the Chairman of the Board of Financial Control, on the application of the tax collector, may grant to said tax collector an additional business day in which to make payment or deposit as aforesaid, but notice of the grant of such emergency privilege shall be given to the chief executive of each

body politic and municipal corporation, subject to the provisions of this act.

SEC. 30. The tax collector of the Board of Financial Control under the supervision of the chairman of said Board shall, on or before the first day of July of each year, settle with each body politic and municipal corporation, for which said tax collector collects taxes under the provisions of this act. Such settlement shall be made in the manner now provided by law for the settlement of sheriffs and tax collectors. Upon such settlement, all items of unpaid taxes, all unpaid tax sale certificates and all property owned and held by the Board of Financial Control by virtue of purchases at sales of property in proceedings to foreclose tax liens shall remain in the hands of the Board of Financial Control and be chargeable to it on the books of each body politic and municipal corporation for which it collects taxes under the provisions of this act.

Annual settlement
of tax collector on
July 1.

Unpaid items.

SEC. 31. It is declared to be the duty of the tax collector to promptly and vigorously proceed with the collection of all taxes placed in his hands for collection, to use all of the means given him by law to that end and to make promptly all sales of real estate for non-payment of taxes within the time required by law. It is declared to be the duty of the Board of Financial Control to supervise the performance of said duties by said tax collector and to see that such duties are performed, and it is declared to be the duty of the Board of Financial Control to promptly bring all actions authorized and required by law for the foreclosure of tax liens by suit and otherwise to make use of all of the powers and authorities vested in it to secure collection of any and all items of taxes, the duty to collect which is imposed on it or on its tax collector.

Vigorous efforts
enjoined of tax
collector.

SEC. 32. The powers and duties of the Board of Financial Control and of its tax collector, with respect to the collection of taxes shall not become effective until the first day of July, one thousand nine hundred and thirty-one, and on such day the governing boards of the several bodies politic and municipal corporations subject to the provisions of this act, or their officer collecting taxes, shall turn over and deliver to the Board of Financial Control, and take its receipt for and charge it with, all uncollected items of tax and unpaid and unsold tax sale certificates for the years one thousand nine hundred and twenty-nine and one thousand nine hundred and thirty and the same shall be collected in the manner provided by law by said Board of Financial Control through its tax collector. The collection of all tax items for the year one thousand nine hundred and twenty-eight and previous years then uncollected, shall be made by the several bodies politic or municipal corporations for whose benefit they were levied in the manner now provided by law, and

Duties of tax col-
lections not ef-
fective till July 1,
1931.

Back years to be
collected as at
present.

for the purpose of such collection and to liquidate and realize upon any tax sale certificates or any property, real or personal, purchased on the foreclosure of any tax sale certificates or tax liens, the governing bodies of the County of Buncombe and the City of Asheville are hereby given and may respectively exercise all of the powers conferred on the Board of Financial Control by sub-section (h) of section twenty-six of this act, with respect to any such property now held or hereafter acquired as aforesaid, but such power shall be exercised subject to the limitations imposed by said sub-section (h) of section twenty-six in so far as applicable and subject to the rights of owners of real or personal property or the successor or successors in title of such owners as set out in said sub-section.

SEC. 33. It shall be lawful for the Board of Financial Control in bringing actions for the foreclosure of tax liens and tax sales certificates, to include in one action any and all liens and certificates covering the same real and/or personal property.

Department for Liquidation of Securities.

SEC. 34. Upon the organization of the Board of Financial Control, as hereinbefore provided, it shall elect a liquidating agent who shall hold office at the pleasure of said Board and who, subject to the supervision of said Board, shall perform the duties and exercise the powers conferred by that portion of this act dealing with the liquidation of securities. The Board of Financial Control may by rules or resolution limit the power of such liquidating agent in the performance of any of said duties or exercise of any of such powers as it deems best.

SEC. 35. Upon the election of such liquidating agent the governing bodies of the City of Asheville and the County of Buncombe shall forthwith assign, transfer and deliver to the Board of Financial Control any and all securities, property, choses in action, rights, claims and demands of every kind and nature, which it has or holds and which it received as security for deposit of the funds of such body politic or municipal corporation in any banking institution now insolvent or which it has or holds by reason of any proceedings or actions of any kind or nature growing out of or in consequence of the insolvency of any such banking institution. The Board of Financial Control shall be substituted as party plaintiff in any and all actions begun and pending in any Court to enforce collection of or secure judgment upon any such securities, choses in action, rights, claims or demands and is given express power to prosecute such action.

SEC. 36. The Board of Financial Control, through its liquidating agent is charged with the duty and is given power to liquidate all of said property, securities, choses in action, rights, claims and demands in such manner as they shall deem for the

General law applicable.

Foreclosure actions may embrace arrears of several years.

Department for Liquidation of Securities.

Selection of liquidating agent for above purpose.

All securities and choses in action to be turned over to liquidating agent.

Securities of insolvent banks.

Pending actions included.

Liquidation of all securities.

best interest of the body politic or municipal corporation from which the same are received. To that end the Board of Financial Control, through its liquidating agent shall have power to collect and receive moneys, to grant extensions of time for payment of debts, obligations and claims on such consideration as it deems best, to accept sums less than the total amount thereof in full settlement and discharge of debts, claims, and demands; to sell, assign and transfer all forms of securities for the face value thereof or for more or less than the face or par value thereof; to enter into agreements of any and all kinds not prohibited by law, looking to liquidation of property, choses in action, securities, claims and demands held by it; to bargain, sell and convey at public or private sale real property to such person and on such terms and for such considerations as it shall deem best; to institute and maintain actions and proceedings of every kind and nature permitted by law to be brought and maintained in any Court of Competent Jurisdiction brought for the purpose of aiding in the liquidation of any such property, securities, choses in action, claims and demands and in any and all such actions to resort to any supplemental proceedings permitted by law; to compromise any and all actions at any time pending to which the Board of Financial Control is a party; to exercise any and all powers of sale and rights of foreclosure given by any instrument acquired or held by it in connection with the performance of the duties herein imposed or given by law to the holder of any property or securities of any kind held by it in connection with the performance of such duties; to purchase real and personal property of every kind and nature and/or any interest therein of any kind at any sale thereof, whether procured and caused to be made by the Board of Financial Control or otherwise, whenever in the judgment of such Board of Financial Control the purchase of said property will promote the carrying out of the purpose of this act with regard to the liquidation of securities, and generally, to do and perform any act and thing necessary, proper and/or expedient to be done to secure the liquidation of or protect its interest in, any property, securities, choses in action, rights and demands held by it pursuant to the provisions of this act. The Board of Financial Control in performing the duties and exercising the powers herein given it with respect to the liquidation of securities shall so act as to liquidate such securities for the largest sum of money it deems possible to obtain therefor and with the least possible delay, but the Board of Financial Control shall have and possess complete discretion as to the time when any property, securities, choses in action, claims and demands shall be liquidated and the consideration to be accepted on such liquidation.

Powers of liquidating agent.

Board to supervise agent.

Bond required of liquidating agent and his employees.

SEC. 37. The Board of Financial Control shall have power to require and shall require its liquidating agent and any and all employees of the department for the liquidation of securities to give bond in such amount as the Board of Financial Control shall deem best for the faithful discharge of their duties and the liquidating agent appointed as aforesaid is expressly charged with and made responsible for the safe keeping of any and all property of every kind and nature, including money and securities of every kind, held by the Board of Financial Control in connection with the performance of the duties and exercise of the powers herein imposed or conferred. The amount of bond to be given by the liquidating agent as fixed by the Board of Financial Control shall be approved by the resident judge of the Superior Court for the Judicial District of which Buncombe County forms a part.

Amount of bond.

Approval by judge.

Expenses of liquidating payable out of proceeds of sales and collections.

SEC. 38. Any and all expenses incurred in connection with the liquidation of securities as herein provided, including the salary of the liquidating agent and the salaries of all employees of his department shall be paid out of the funds realized from such securities in such manner as the Board of Financial Control shall by rules provide, subject to the provisions of Section

Daily deposit of moneys collected by liquidating agent.

SEC. 39. All moneys collected by the Board of Financial Control in the liquidation of securities under the provisions of this act shall not later than eleven o'clock A. M. on the business day following the day on which such money is collected be deposited in a depository or depositories designated by the Board of Financial Control. All amounts so deposited shall be secured in the manner now or hereafter required by law for securing deposits of public funds in such depositories. The funds secured on liquidation of property, securities, choses in action, claims and demands received from the County of Buncombe and the funds received on liquidation of such property, securities, choses in action, claims and demands received from the City of Asheville shall be deposited in separate accounts and thereafter kept separately.

Disbursement of such moneys.

SEC. 40. All funds collected and deposited as aforesaid shall be used for the following and no other purposes:

Expenses of liquidation. Division of expenses between County and City of Asheville.

(a) To pay the expenses of liquidation. Such expenses shall be divided between funds held for Buncombe County and funds held for the City of Asheville in proportion to the total collections in behalf of said body politic and municipal corporation from the date of beginning such liquidation to date of payment of expenses. Such payments shall be adjusted at the end of each fiscal year so as to divide expenses in proportion to such collections from the date when liquidation is begun until the end of such fiscal year.

(b) For investment in such securities at the time such investments are made or are approved by law for investment of the State Sinking Fund. Whenever the amount on deposit for the benefit of the County of Buncombe or the City of Asheville, as aforesaid and not needed or expected to be needed within thirty days for any other expenditure authorized by this section amounts to more than fifty thousand dollars (\$50,000.00) the same, or such portion of the same as is not needed or anticipated to be needed for other purposes as aforesaid within thirty days, shall be invested as authorized by this sub-section.

Investments of funds not presently needed.

(c) Any payments on the "debt service" of the body politic or municipal corporation for whom such funds are held and for the purpose of arranging and making such payments the Board of Financial Control is given the following powers and duties:

Debt service.

Upon receipt of a proposed budget from the County of Buncombe or the City of Asheville (and for the purposes of this section the budget of the Board of Education shall be deemed a budget of the County of Buncombe), the Board of Financial Control shall include in the estimated revenues of said body politic or municipal corporation, but only for the purpose of making disbursements properly chargeable to "debt service" for the fiscal year for which such budget is submitted, such portion as it deems wise of the funds then in its hands held for the benefit of such body politic or municipal corporation and not required for some other purpose under the provisions of this section of this act. In making such decision, the Board of Financial Control shall consider the probable future financial condition and needs of the body politic or municipal corporation whose budget is then under consideration and shall determine the amount of funds for use as in this sub-section provided so as to prevent, as far as possible, a wide fluctuation of the ad valorem tax rate levied by it from year to year. The amount so included shall be considered as a revenue thereafter in fixing any and all tax rates and making any and all levies fixed or made in connection with such budget or for the purpose of raising revenue to meet the items thereof and/or to pay the appropriations made based thereon. For the purpose of this section any and all securities held by the Board of Financial Control under the provisions of sub-section (b) hereof shall be deemed funds on hand. Thereafter, during such fiscal year as payments properly chargeable to "debt service" of such body politic or municipal corporation fall due, the Board of Financial Control shall sell any securities held by it as aforesaid, necessary for the purpose, and pay to such body politic or municipal corporation the amount necessary to make such payment chargeable to "debt service" not exceeding in any fiscal year the amount esti-

Debt service to be set up in budgets.

Decision of Board as to amount to be expended for debt service.

Method of determining amount needed for debt service.

mated as revenue and so considered in fixing the budget and making appropriation for such fiscal year as aforesaid, such payment by the Board of Financial Control to such body politic or municipal corporation shall be made to the depository or officer designated to receive funds for such body politic or municipal corporation under section twenty-nine of this act.

Purchase of notes of units.

(d) To pay for or purchase with funds on hand held for the benefit of a body politic or municipal corporation any notes thereof payment of which has not been provided for by appropriation resolution or funding of which has not been provided for in the manner in this act and by general law provided.

Purchase of notes issued in anticipation of revenue.

(e) To purchase at not less than par at any sale thereof made as now or hereinafter provided by law with funds on hand held for the benefit of a body politic or municipal corporation, notes of such body politic or municipal corporation hereafter issued in anticipation of revenue. For the purpose of securing funds to make such purchases the Board of Financial Control may as it deems best sell and dispose of any securities purchased and held under the authority of sub-section (b) hereof for the benefit of the body politic of municipal corporation whose notes are to be so purchased. Upon re-payment of any such notes on or before the maturity thereof the amount so received shall be held and used as authorized by this section.

Repayment of notes.

Provision as to obtaining legal services in liquidating securities.

SEC. 41. The Board of Financial Control is given authority in its discretion to enter into an agreement with the governing body of the County of Buncombe and/or the City of Asheville whereby legal services necessary and proper to be performed in connection with the liquidation of securities as herein provided for such body politic or municipal corporation may be performed by the legal department of said body politic or municipal corporation and paid for out of the appropriation made to meet the expenses of such department.

General provisions.

General Provisions.

SEC. 42. The Board of Financial Control, subject to any limitations imposed by law, shall have full power and authority to make and establish reasonable rules and regulations for the management and operation of its several departments. By way of illustration, but not of limitation it may:

Rules and regulations of Board.

Tax notices and receipts.

(a) Prescribe the form of tax notices and tax receipts and the procedure to be followed in connection with the issuing thereof.

Statements and records.

(b) Prescribe the form of all notices, statements and other records and the procedure in connection with the use thereof, deemed proper or necessary to be used in performing any of the duties or exercising any of the powers imposed or conferred by this act.

SEC. 43. The accountant of each body politic or municipal corporation subject to the provisions of this act, or some other officer or employee thereof, designated by its governing body for that purpose, shall, at stated intervals, not less frequently than monthly, file with the chairman of the Board of Financial Control a statement under oath, showing the total expenditures by departments of such body politic or municipal corporation, from the beginning of its fiscal year to the date of such report and such accountant or other officer shall from time to time, on request furnish to the Chairman of the Board of Financial Control, such additional information as the Board of Financial Control may require, to the end that such Board may determine whether the provisions of this act are being fully complied with by such body politic or municipal corporation.

Accountants of units to make monthly statements to Board.

Contents.

SEC. 44. The Board of Financial Control, within the first ten days of each fiscal year shall prepare and adopt a budget for its own operations and furnish a copy thereof to the governing body of each body politic and municipal corporation, subject to the provisions of this act. Such portion of such budget as is properly chargeable to a body politic or municipal corporation under the provisions of section thirty-nine hereof, shall be included in the budget of such body politic or municipal corporation when adopted.

Adoption of budget for expenses of Board.

Budget prorated to units.

SEC. 45. The Board of Financial Control shall have power to employ such employees as it shall deem necessary to properly carry out its powers and duties as established by this act in all of its departments and, except as hereinafter provided, shall fix the compensation of all such employees and may change the amount of such compensation from time to time as it deems proper. It may employ and fix the compensation of such legal assistants as it deems proper and such bookkeeping and accounting experts as it deems proper, to properly perform its duties and exercise its powers.

Hiring of necessary employees.

Compensation.

Legal assistants.

SEC. 46. The salary of the tax supervisor named in section three of this act shall be three thousand six hundred dollars (\$3,600.00) a year, payable monthly; and the salary of the tax collector named in said section shall be three thousand six hundred dollars (\$3,600.00) a year, payable monthly, but upon the expiration of the terms of office of said officers as fixed by this act, or upon the creation of a vacancy in either of said offices at an earlier date, the Board of Financial Control may, thereafter, fix the compensation to be paid for the performance of the duties of each of said offices.

Salaries.

Tax supervisor,
\$3,600.

Tax collector,
\$3,600.

SEC. 47. The members of the Board of Financial Control, other than the chairman, shall receive salaries of three hundred dollars (\$300.00) per year, payable monthly. The chair-

Members of Board, \$300.

Chairman, \$600.	man of the Board of Financial Control shall receive a salary of six hundred dollars (\$600.00) per year, payable monthly. Each member of the tax commission herein established, other than the chairman of the Board of Financial Control and the tax supervisor, shall receive as compensation for his services, seven dollars and fifty cents (\$7.50) for each day he is actually engaged in performing the duties of his office, not exceeding in any one fiscal year during which a quadrennial assessment of property for taxation is made, four hundred dollars (\$400.00) and not exceeding in any other fiscal year one hundred and fifty dollars (\$150.00). The necessary expenses of the Board of Financial Control, including compensation of officers and employees and other necessary expenses, shall be paid by the several bodies politic and municipal corporations, subject to the provisions of this act, as follows:
Tax Commission, \$7.50 per member per active day. Limit per year, \$150; except quadrennial assessment year, \$400. Necessary expenses prorated.	
To Buncombe County, 60%; to Asheville, 40%.	Sixty per cent thereof by Buncombe County and forty per cent by the City of Asheville. The Chairman of the Board of Financial Control shall, on the first day of each calendar month, certify to the governing body of the City of Asheville, and the governing body of Buncombe County, the expenses of the Board of Financial Control for the preceding month and such governing body shall forthwith cause to be paid to the Chairman of the Board of Financial Control the per cent of such expenses to be paid as aforesaid. All such payments shall be charged to the general fund of the body politic or municipal corporation making the same.
Certification of monthly expenses.	
Date Act takes effect.	SEC. 48. Except as hereinafter provided, this act shall be in full force and effect on the second Monday following its ratification and on such day, and after the organization of the Board of Financial Control as herein provided, the governing body of Buncombe County and the governing body of the City of Asheville shall deliver to the Board of Financial Control all tax lists, tax maps, assessors' records, and other records, relating to the assessing and listing of property for taxation and the preparation of tax lists necessary or proper to be in the possession of the Board of Financial Control, to enable it to properly perform the duties and exercise the powers imposed and conferred by this act.
Records to be delivered to Board.	
County tax collector and auditor abolished.	SEC. 49. The offices of tax collector of Buncombe County and auditor of Buncombe County are hereby abolished, effective as follows:
When effective.	The tax collector of Buncombe County, on July first, one thousand nine hundred and thirty-one, and the auditor of Buncombe on the second Monday following the ratification of this act.
Violation of Act made misdemeanor.	SEC. 50. Any person, firm or corporation violating any provisions of this act shall be guilty of a misdemeanor and punish-

able by fine or imprisonment, or both, in the discretion of the Court.

SEC. 51. The expression "debt service" as used in this act shall mean "debt service" as defined in the County Fiscal Control Act.

"Debt service" defined.

SEC. 52. All laws and clauses of laws in conflict with this act are hereby repealed.

Conflicting laws repealed.

SEC. 53. If any part of this act shall be held unconstitutional the remainder shall stand.

Constitutional parts of Act upheld.

SEC. 54. Nothing in this Act shall be construed to abridge in any way the supervisory powers of the Local Government Commission as set out in the Local Government Act, ratified March third, one thousand nine hundred thirty-one.

Powers of Local Government Commission unaffected.

SEC. 55. This Act shall be in full force and effect from and after its ratification.

Ratified this the 18th day of March, A.D., 1931.

CHAPTER 254

AN ACT TO ALLOW THE BOARD OF COMMISSIONERS OF HALIFAX COUNTY AND THE BOARD OF TRUSTEES OF WELDON GRADED SCHOOL IN HALIFAX COUNTY TO AID IN REOPENING THE BANK OF WELDON, WELDON, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Commissioners of Halifax County and the Board of Trustees of the Weldon Graded School in Halifax County, be and they are hereby authorized, in their discretion, to enter into a contract with the Bank of Weldon, Weldon, North Carolina, in the event that said bank is permitted to reopen by the Corporation Commission, whereby the funds of said Halifax County and said Weldon Graded School on deposit in said bank at the time of its suspension of business may remain in said bank and not be withdrawn, except at certain stated times and intervals, to be mutually agreed upon by and between the Board of Directors of said bank and said Board of Commissioners of Halifax County and said Trustees of Weldon Graded School.

Halifax County and Weldon Graded School authorized to aid in re-opening Bank of Weldon by freezing deposits.

SEC. 2. That the Board of Commissioners of Halifax County and the Board of Trustees of Weldon Graded School shall retain any collateral, guarantee, or both, it now holds securing deposits in said bank at the time of its suspension: *Provided, however,* that as such collateral is collected by said Halifax County Board of Commissioners or the Weldon Graded School Board in their respective capacities that the amount or amounts so collected

Collateral to be retained.

Collection and application of collateral.

Guarantors not relieved.

shall be credited against the deposits for which such collateral was given as security; and that nothing in this act shall relieve said bank or any guarantors upon any bond or contract heretofore executed to guarantee the deposits heretofore placed in said bank, nor shall it relieve said bank from its duty to allow withdrawals of deposits in accordance with the terms and conditions of any contract which may be entered into pursuant to the provisions of this act.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 4. That this act shall be in full force and effect from and after its ratification.

Ratified this the 18th day of March, A.D., 1931.

CHAPTER 255

AN ACT PROVIDING FOR THE ABOLISHMENT OF THE OFFICE OF COUNTY TREASURER OF LENOIR COUNTY.

The General Assembly of North Carolina do enact:

County Treasurer of Lenoir County abolished.

SECTION 1. That from and after the expiration of the term of office of the present incumbent, the office of County Treasurer of Lenoir County may be abolished, *Provided* the Board of County Commissioners by a vote shall adopt a resolution to that effect, in which it shall be declared that by abolishing said office, the county will annually save the present annual salary of the Treasurer.

Resolution.

SEC. 2. That if the office of Treasurer shall be abolished as above provided, all of the duties of said office shall be performed by the Auditor of said county.

Duties devolve upon County Auditor.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Conflicting laws repealed.

SEC. 4. That this act shall be in full force and effect from and after its ratification.

Ratified this the 18th day of March, A.D., 1931.

CHAPTER 256

AN ACT REQUIRING THE REGISTER OF DEEDS OF AVERY COUNTY TO PREPARE THE TAX LISTS AND PROVIDING THE COMPENSATION THEREFOR.

The General Assembly of North Carolina do enact:

Making up tax lists by Register of Deeds of Avery County.

SECTION 1. That the Register of Deeds of Avery County shall each year prepare the tax list of said county as provided by law and shall receive for making out the original list three cents for each name thereon and for each name on each copy

required to be made, three cents and any additional fees which shall be allowed for such work. Compensation.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed. Conflicting laws repealed.

SEC. 3. That this act shall be in full force and effect from and after its ratification.

Ratified this the 18th day of March, A.D., 1931.

CHAPTER 257

AN ACT TO ENABLE THE BOARD OF COMMISSIONERS OF TYRRELL COUNTY TO TRANSFER CERTAIN ROAD FUNDS TO THE GENERAL COUNTY FUNDS.

Whereas, The Board of Commissioners of Tyrrell County constructed a road connecting Kilkenny Precinct with the Gum Neck Road by taxes, and

Whereas, Said road has been taken over by the Highway Commission, thus leaving a fund to its credit in the treasury of Tyrrell County, *Therefore*,

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Commissioners of Tyrrell County be, and they are, hereby authorized to transfer the balance of such Kilkenny road fund to the general fund of the county, to be appropriated and used for the purpose of that fund.

SEC. 2. This act shall take effect from and after its ratification.

Ratified this the 18th day of March, A.D., 1931.

CHAPTER 258

AN ACT TO CORRECT A TYPOGRAPHICAL ERROR IN CHAPTER SIXTY-ONE OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED TWENTY-NINE, RELATING TO THE SALARIES OF OFFICERS OF MOORE COUNTY AND RELATING TO MOORE COUNTY ONLY.

The General Assembly of North Carolina do enact:

SECTION 1. That section four of chapter sixty-one of the Public-Local Laws of one thousand nine hundred and twenty-nine be and the same is hereby amended to read as follows:

"SEC. 4. That one or more other deputies may be appointed by the Sheriff of Moore County who shall each receive a salary not exceeding one thousand dollars per year, payable monthly,

Preamble: Surplus of road funds in Tyrrell County.

Transfer of such funds to general county fund.

* Ch. 61, Public-Local Laws 1929, amended.

Compensation of deputy sheriffs of Moore County.

but no deputy sheriff, except the one deputy provided for in section three of this act, shall receive any compensation whatsoever to be paid by the County of Moore, until and unless such compensation and salary shall be fixed, approved and allowed by the board of commissioners of Moore County; and such compensation and salary so allowed to any such additional deputy by said board of commissioners from time to time may be discontinued and revoked by said board of commissioners at any time upon notice to such deputy: *Provided*, that nothing herein contained shall be construed to limit the authority of said sheriff to appoint any number of deputies he may, in his discretion, name upon such terms as may be fixed between said sheriff and such deputies, when the expenses and salary of such deputies shall be paid solely by said sheriff."

Private arrangement for additional deputies.

Salaries heretofore paid deputies ratified.

SEC. 2. That all acts of the officers of Moore County authorizing or paying deputy sheriffs of Moore County a salary not exceeding one thousand dollars per year under the further provisions of section four of said act be and the same are hereby ratified.

Conflicting laws repealed.

SEC. 3. That all laws in conflict with this act are hereby repealed.

SEC. 4. That this act shall be in force from and after its ratification.

Ratified this the 18th day of March, A.D., 1931.

CHAPTER 259

AN ACT TO EMPOWER THE COMMISSIONERS OF ALAMANCE COUNTY TO REGULATE ELECTRICAL WIRING AND ELECTRICIANS.

The General Assembly of North Carolina do enact:

Electricians regulated in Alamance County.

SECTION 1. That in order to promote the welfare and safety of Alamance County and its citizens, the Board of Commissioners of said County shall have power, by ordinance, to license, regulate and control electricians and the electric wiring of houses or buildings for lighting or for other purposes by prescribing regulations relating thereto and by providing for examination of such electricians and for inspection of such electrical work, and they shall also have power to provide and regulate the fees for such examination and inspection.

Inspection.

Penalties for violation.

SEC. 2. That said Board of Commissioners shall have power to fix and enforce penalties for violation of their regulations prescribed in pursuance of this act.

Powers of Commissioners in enforcing.

SEC. 3. That for the purpose of this act the said County of Alamance is hereby constituted and declared a body corporate with its Board of Commissioners as its governing body, and the

said Board of Commissioners shall have like discretion as to the exercise of the powers herein granted as governing bodies of municipal corporations in this State have as to the exercise of similar or like grants of power.

SEC. 4. That any regulations passed by said Board of Commissioners shall not prescribe standards inferior to those provided by law.

Standards.

SEC. 5. That this act shall not apply within any city or town in Alamance County.

Not applicable to municipalities.

SEC. 6. That this act shall be in force from and after its ratification.

Ratified this the 18th day of March, A.D., 1931.

CHAPTER 260

AN ACT TO AMEND CHAPTER SEVENTY-THREE OF PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED FIFTEEN, IN REFERENCE TO ABOLISHING THE OFFICE OF COUNTY TREASURER OF NORTHAMPTON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. Amend chapter seventy-three of the Public-Local Laws of one thousand nine hundred and fifteen by adding at the end of line eight in said section the following:

Ch. 73. Public-Local Laws 1915, amended.

"That the County Commissioners of Northampton County may in their discretion pay the premium on the bond of the Financial Agent of said County."

Premium on bond of Northampton County Financial Agent.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this act shall be in force and effect from and after its ratification.

Ratified this the 18th day of March, A.D., 1931.

CHAPTER 261

AN ACT TO PLACE THE CLERK OF THE SUPERIOR COURT OF CASWELL COUNTY ON A FEE BASIS AND TO PROVIDE FOR THE FEES TO BE CHARGED BY SAID CLERK.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter four hundred and twenty-eight of the Public-Local Laws, one thousand nine hundred and twenty-nine, relating to the salary of the Clerk of the Superior Court of Caswell County, be and the same is hereby repealed.

Ch. 428. Public-Local Laws 1929, repealed.

Ch. 430, Public-Local Laws 1925, repealed.

Clerk Superior Court placed on fee basis under general law.

Conflicting laws repealed.

Effective April 1, 1931.

SEC. 2. That chapter four hundred and thirty, Public-Local Laws, one thousand nine hundred and twenty-five, relating to the schedule of fees to be collected by the Clerk of the Superior Court of Caswell County, be and the same is hereby repealed.

SEC. 3. That from and after April first, one thousand nine hundred and thirty-one, the Clerk of the Superior Court of Caswell County shall receive for his services as said Clerk in lieu of all other compensation the fees provided in section three thousand nine hundred and three of the Consolidated Statutes.

SEC. 4. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 5. That this act shall be in full force and effect from and after April first, one thousand nine hundred and thirty-one.

Ratified this the 18th day of March, A.D., 1931.

CHAPTER 262

AN ACT FIXING THE TERM OF OFFICE OF THE RECORDER AND THE SOLICITOR OF THE RECORDER'S COURT OF HENDERSON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the term of office of the present Recorder and the Solicitor of the Recorder's Court of Henderson County is hereby extended until December first, one thousand nine hundred and thirty-four, and until their successors are elected and qualified.

SEC. 2. That at the general election of one thousand nine hundred and thirty-four, and every four years thereafter there shall be elected by the qualified voters of Henderson County a Recorder and a Solicitor, who shall serve for a period of four years and until their successors are elected and qualified.

SEC. 3. No Recorder or Solicitor of the Recorder's Court of Henderson County who has served one full term of four years shall be qualified as a candidate to succeed himself.

SEC. 4. In the event of a vacancy in the office of either Recorder or Solicitor of the Recorder's Court of Henderson County, the resident judge of the Eighteenth Judicial District shall appoint some suitable person to fill said vacancy and to serve for the remainder of the unexpired term, said appointment to be certified to the Clerk of Superior Court of Henderson County.

SEC. 5. That the Resolution of the Board of Commissioners of Henderson County pursuant to which the Recorder's Court of said County was established is hereby ratified, approved, and in all respects confirmed.

Term of office of Henderson County Recorder and Solicitor extended to 1934.

Election for term of four years in 1934.

May not succeed themselves.

Vacancies filled by Resident Judge.

Establishment of Recorder's Court approved.

SEC. 6. That no act of the present Assembly, either general or local, shall be construed to repeal this act, unless this act is expressly referred to therein by both House number and Senate number.

Provision for
repealing Act.

SEC. 7. That all laws and clauses of laws in conflict with this act are hereby repealed.

Conflicting laws
repealed.

SEC. 8. That this act shall be in full force and effect from and after its ratification.

Ratified this the 18th day of March, A.D., 1931.

CHAPTER 263

AN ACT TO ALLOW THE BOARD OF COMMISSIONERS OF THE COUNTY OF BUNCOMBE TO AID IN REOPENING THE BANK OF BLACK MOUNTAIN OF BUNCOMBE COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Commissioners of the County of Buncombe be and they are hereby authorized in their discretion to enter into a contract with the Bank of Black Mountain of Buncombe County in the event that said Bank is permitted to re-open by the Corporation Commission whereby the funds of said Buncombe County on deposit in said bank at the time of its suspension of business may remain in said bank and not be withdrawn except at certain stated times and intervals to be mutually agreed upon by and between the Board of Directors of said bank and the Board of Commissioners of the County of Buncombe.

Buncombe County
authorized to aid
in reopening Bank
of Black Mountain
by freezing de-
posits.

SEC. 2. That the Board of Commissioners of the County of Buncombe shall retain any collateral and/or guaranty it now holds securing its deposits in said bank at the time said bank suspended: *Provided, however*, that as such collateral is collected by the said Buncombe County Commissioners the amount so collected shall be credited against the deposits for which the collateral was given as security: *Provided, further*, that nothing in this act shall relieve said bank or any guarantors upon any bond or contract heretofore executed to guarantee the deposits heretofore placed in said bank nor shall it relieve said bank from its duty to allow withdrawals of deposits in accordance with the terms and conditions of any contract which may be entered into pursuant to the provisions of this act.

Collateral to be
retained.

Collection and ap-
plication of col-
lateral.

SEC. 3. That all laws and clauses of laws in conflict with this act be and they are hereby repealed.

Conflicting laws
repealed.

SEC. 4. That this act shall be in full force and effect from and after its ratification.

Ratified this the 18th day of March, A.D., 1931.

CHAPTER 264

AN ACT TO REGULATE THE SALARY OF THE SHERIFF
OF PERSON COUNTY.

The General Assembly of North Carolina do enact:

Ch. 204, Public-
Local Laws 1925,
amended.

Increased allow-
ance for Person
County Sheriff.

SECTION 1. That Chapter two hundred and four of the Public-Local Laws of one thousand nine hundred and twenty-five be amended by adding the following sentence at the close of section four thereof, to-wit: "The Board of Commissioners of Person County, if they think the compensation of the sheriff inadequate under this percentage scale, shall have the right and power, by resolution properly adopted, to increase the percentage on tax collections paid the sheriff to a percentage sufficient adequately to compensate him for performing the duties of his office, and the further right and power to rescind at their option any percentage increase granted."

SEC. 2. That this act shall be in full force and effect from and after its ratification.

Ratified this the 18th day of March, A.D., 1931.

CHAPTER 265

AN ACT TO REPEAL CHAPTER FOUR HUNDRED
THIRTY-SIX PUBLIC-LOCAL LAWS ONE THOUSAND
NINE HUNDRED TWENTY-SEVEN, CREATING A TAX
COMMISSION FOR MECKLENBURG COUNTY, AND TO
AUTHORIZE THE BOARD OF COMMISSIONERS OF
MECKLENBURG COUNTY TO EMPLOY AN ALL TIME
TAX SUPERVISOR, AND TO AUTHORIZE SAID BOARD
OF COMMISSIONERS TO ADOPT A SYSTEM FOR THE
PERMANENT LISTING OF REAL ESTATE FOR TAXA-
TION.

The General Assembly of North Carolina do enact:

Ch. 436, Public-
Local Laws 1927,
repealed, abolish-
ing Mecklenburg
County Tax Com-
mission as of
December 1, 1931.

SECTION 1. That chapter four hundred and thirty-six, Public-Local Laws of one thousand nine hundred and twenty-seven, be and is hereby repealed as of December first, one thousand nine hundred and thirty-one, and the Tax Commission of Mecklenburg County, created under and pursuant to said act shall continue to function under and in accordance with the provisions of said act until December first, one thousand nine hundred and thirty-one, at which time said Tax Commission is hereby abolished.

SEC. 2. That from and after December first, one thousand nine hundred and thirty-one, all property and polls in Mecklenburg County, shall be listed and all property assessed as provided by general law, except the County Supervisor of Taxation

Listing of polls
and property to
be governed by
general law.

shall be appointed by the Board of Commissioners of Mecklenburg County and the Governing Body of the City of Charlotte, and shall be required to devote his entire time to the duties of his position. His compensation shall be fixed by the Board of Commissioners of Mecklenburg County, and shall not exceed thirty-six hundred dollars per year, payable monthly. Such Supervisor of Taxation shall be appointed in the manner specified, on or before the first Monday in December one thousand nine hundred and thirty-one, and every two years thereafter. His term of office shall be for two years and until his successor is elected and qualified. He shall be vested with all of the power and authority conferred by general law upon Supervisors of Taxation. He shall be furnished with such assistants and clerks, and at such compensations as the said Board of County Commissioners may deem necessary, in order to assist him in seeing that all property and polls subject to taxation are placed upon the tax books. The list takers and assessors for said county shall be appointed as provided in the general law. The compensation of said Tax Supervisor, his assistants and clerks, and the reasonable expenses of the office, shall be paid out of the general fund of the county in the same manner as other items are lawfully paid from said fund.

Appointment of Supervisor of Taxation.

Salary, \$3,600.

Term of office.

Power and authority.

Clerical assistance.

SEC. 3. That the Board of County Commissioners of Mecklenburg County is hereby authorized and empowered, in its discretion, to provide for the permanent listing of real estate and to adopt and promulgate all such reasonable rules, regulations, ways and means as may be necessary for the purpose.

Rules governing permanent listing of real estate.

SEC. 4. That the provisions of the State General Law, known as the "Machinery Act", relating to listing and assessing of property for taxation, shall, except as modified by this act and the act to provide for listing property and collection of taxes in Mecklenburg County and the City of Charlotte, enacted at the nineteen thirty-one session of the General Assembly, apply to Mecklenburg County.

Machinery Act applicable.

SEC. 5. That this act shall take effect from and after the date of its ratification.

Ratified this the 18th day of March, A.D., 1931.

CHAPTER 266

AN ACT RELATING TO THE SALARIES OF THE OFFICERS OF McDOWELL COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter twenty-five, of the Public-Local Laws of one thousand nine hundred and twenty-one, entitled "An Act to Fix Additional Compensation to the Sheriff of McDowell County", be and the same is hereby repealed.

Ch. 25, Public-Local Laws 1925, repealed.

Ch. 103. Public-Local Laws 1921, amended.

SEC. 2. That Chapter one hundred and three, of the Public-Local Laws of one thousand nine hundred and twenty-one, relating to fees and expenses to Sheriff or other police officer for destroying of stills, be and the same is hereby amended as follows:

No compensation allowed in McDowell County for destruction of stills.

(a). That sub-section (a) of Section one of said act be and the same is hereby repealed, and inserting in lieu thereof, the following: "No compensation or expenses shall hereafter be allowed the Sheriff or other police officer of McDowell County for destroying a still by reason of said act or of any public act providing a fee for destroying stills."

(b). That sub-section (b) of Section one of said act be amended by converting the period at the end of said sub-section into a semi-colon and adding thereafter the following: "*Provided, however,* that the county shall not be liable for nor shall it pay any part of such reward under any circumstances."

Ch. 147. Public-Local Laws 1921, amended, relating to fees of Sheriff.

SEC. 3. That Section one of Chapter one hundred and forty-seven, Public-Local Laws of one thousand nine hundred and twenty-one, relating to fees of the sheriff of McDowell County, be and the same is hereby amended as to turnkey fees by striking out the word "fifty" in lines nine and ten of said section and inserting in lieu thereof in each of said lines the words "twenty-five."

Ch. 385. Public-Local Laws 1925, amended, relating to salary of Clerk of Court.

SEC. 4. That Section one of Chapter three hundred and eighty-five, Public-Local Laws of one thousand nine hundred and twenty-five, relating to the salary of the Clerk of the Court of McDowell County, be and the same is hereby amended by striking out the words and figures "twenty-eight hundred dollars (\$2800)" in lines three and four of said section and inserting in lieu thereof the words and figures "twenty-four hundred dollars (\$2400)."

Law again amended.

SEC. 5. That Section two of Chapter three hundred and eighty-five, Public-Local Laws of one thousand nine hundred and twenty-five, be and the same is hereby amended by striking out the words and figures "Twenty-eight hundred dollars (\$2800) in line nine of said section and inserting in lieu thereof the words and figures "twenty-four hundred dollars (\$2400)".

Board of Education to receive \$4 per day for meetings.

SEC. 6. That the members of the Board of Education and of the Highway Commission of McDowell County shall each receive the sum of four dollars (\$4.00) per day for his services in attending meetings of the board.

Conflicting laws repealed.

SEC. 7. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Effective July 1, 1931.

SEC. 8. That this act shall be in full force and effect from and after the first day of July, one thousand nine hundred and thirty-one.

Ratified this the 18th day of March, A.D., 1931.

CHAPTER 267

AN ACT TO AUTHORIZE THE GOVERNING BODIES OF BUNCOMBE COUNTY AND THE CITY OF ASHEVILLE BY WRITTEN AGREEMENT TO PROVIDE FOR THE CARRYING ON OF CERTAIN ADMINISTRATIVE FUNCTIONS OF BUNCOMBE COUNTY AND THE CITY OF ASHEVILLE, JOINTLY OR AT JOINT EXPENSE.

The General Assembly of North Carolina do enact:

SECTION 1. The governing body of Buncombe County and the governing body of the City of Asheville are authorized and empowered whenever in their judgment they deem it for the best interests of said County and City to provide by written agreement for the joint performance of similar administrative duties or functions of said County and City by a consolidation of the agencies of said City and said County by which such administrative functions are at the time of making such agreement being performed and their subsequent joint operations as one agency at joint expense or by the performance of such administrative functions for the benefit of both said City and County by one of such agencies then existing at joint expense.

Buncombe County and Asheville authorized to consolidate administrative functions.

Joint expense.

SEC. 2. The administrative functions which may be so carried on by agreements are any and/or all of those now being performed by the following departments, agents or agencies of the City and County, respectively: the bookkeeping and auditing department, the engineering department, the welfare department, the purchasing agent, the jails, the garages and such other functions as said governing bodies from time to time decide may be economically and efficiently performed as aforesaid.

Enumeration of such functions.

SEC. 3. Any and all powers and authority now or hereafter vested in Buncombe County or any agency thereof and/or in the City of Asheville or any agency thereof may and shall in the event of the consolidation of any such agencies as aforesaid be exercised and performed by such resulting agency to the same extent that such powers and authority may be exercised by the respective agencies before such consolidation.

Powers of joint bodies to be those now exercised.

SEC. 4. No such agreement shall be made by the governing body of the County or City for a period of more than one year from the date thereof, but such agreement may be renewed from year to year.

Such agreements renewable from year to year.

SEC. 5. All laws and clauses of laws in conflict herewith are hereby repealed.

Conflicting laws repealed.

SEC. 6. This act shall be in full force and effect from and after its ratification.

Ratified this the 18th day of March, A.D., 1931.

CHAPTER 268
AN ACT TO REGULATE THE FEES OF THE JUSTICES
OF THE PEACE OF CARTERET COUNTY.

The General Assembly of North Carolina do enact:

Fees of Justices
of the Peace in
Carteret County.

SECTION 1. That the Justices of the Peace of the several townships of Carteret County may charge and shall be entitled to receive the following fees in all criminal and civil actions.

Criminal actions.

(a) In criminal actions:

- Affidavit and warrant, fifty cents.
- Issuing subpoenas, each fifteen cents.
- Commitments, each defendant, fifty cents.
- Recognizance, each witness, fifteen cents.
- Recognizance, each defendant, fifty cents.
- Bond, each defendant to court, fifty cents.
- Judgment, each defendant, one dollar and fifty cents.
- Continuance of action, twenty-five cents.
- Judgment nisi, fifty cents.
- Forwarding papers to another county, twenty-five cents.
- Return to court, fifty cents.
- Itemized bill of cost, twenty-five cents.
- Order of removal, fifty cents.
- Capias and order, fifty cents.

Civil actions.

(b) In civil actions:

- Issuing summons, each, fifty cents.
- Summons, each additional defendant, twenty-five cents.
- Trial and judgment, one dollar and fifty cents.
- Transcript of judgment, twenty-five cents.
- Order of removal, fifty cents.
- Plaintiff's undertaking, fifty cents.
- Defendant's undertaking, fifty cents.
- Order to seize property, fifty cents.
- Subpoenas, each fifteen cents.
- Execution of judgment, fifty cents.
- Return of appeal, fifty cents.

Claim and de-
livery.

(c) In claim and delivery proceedings:

- Issuing papers and trial, two dollars.
- Each additional defendant, fifty cents.
- Replevy bond, fifty cents.

Attachment.

(d) For attachments same as claim and delivery proceedings.

Fees of witnesses.

SEC. 2. That witnesses attending courts of Justices of the Peace may be allowed the sum of fifty cents for such attendance and the same taxed in the bill of costs in such cases.

Conflicting laws
repealed.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 4. That this act shall be in force and effect from and after its ratification.

Ratified this the 18th day of March, A.D., 1931.

CHAPTER 269

AN ACT TO PROVIDE FOR A TAX COLLECTOR FOR
PITT COUNTY AND TO AUTHORIZE THE COUNTY
COMMISSIONERS OF SAID COUNTY TO FIX THE
SALARY OF SAID TAX COLLECTOR.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of county commissioners of Pitt County are authorized and empowered, in their discretion, to establish the office of tax collector of Pitt County, and should they so decide to establish such office, it shall be their duty on or before October first, one thousand nine hundred and thirty-one (1931), or any subsequent year, to select and appoint a competent person as tax collector, who shall hold said office during the pleasure of said board, and it shall likewise be the duty of said board of commissioners, upon said office becoming vacant through death, resignation or otherwise, to fill such vacancy by like appointment.

SEC. 2. The tax collector of Pitt County, thus appointed, shall from and after October first, of the year directed and appointed, take over, exercise and succeed to all of the powers, duties and privileges now or hereafter conferred upon sheriffs by law with respect to the collection of taxes and special assessments collected as taxes within said county, including the authority and duty of enforcing the payment of taxes and assessments by distraint, garnishment, levy or other process, the execution of tax sales and certificates and generally to perform all functions with respect to the collection of taxes, which are now, or hereafter may be, vested in sheriffs by law, including Schedule "B" taxes.

If the Board of County Commissioners of Pitt County should in the exercise of their discretion, as provided in section one of this act, appoint a tax collector, then the duties and authority of the sheriff of Pitt County, in the collection of taxes, shall wholly cease and determine, except as provided in section four of this act.

SEC. 3. The Board of Commissioners, before turning over any tax list to said tax collector, shall require him to give such bond or bonds for the faithful collection and accounting for the tax lists which go into his hands as are now or may hereafter be required of sheriffs, when performing the duty of tax collector, the cost of such bonds to be borne by the county.

SEC. 4. Nothing herein contained shall be construed as relieving the sheriff from collecting and accounting for any taxes collected by him or which should have been collected by him prior to October first of the year in which said tax collector is appointed, or as relieving the sureties upon any official bond

Establishment of
Pitt County Tax
Collector.

Appointment.

Vacancies.

To collect taxes
beginning October
1, 1931.

Powers in detail.

Sheriff to be re-
lieved of tax
collecting.

Bond of Tax Col-
lector.

Sheriff not re-
lieved of collect-
ing taxes till Oc-
tober 1, 1931.

Back taxes may be collected by Tax Collector.

Salary.

Fees.

Limitation on salary and assistants.

given by him from liability on account of the same: *Provided*, that nothing herein contained shall prevent the Board of Commissioners, by appropriate order, from vesting the tax collector with the collection of back taxes from the collection of which the sheriff and his sureties have been lawfully relieved.

SEC. 5. The tax collector whose office may be created by this act, shall be paid an annual salary (payable monthly), to be fixed by the Board of Commissioners of Pitt County: *Provided*, that all legal fees charged by law or costs for the enforced collection of taxes shall be paid into the general fund.

The total salary of the tax collector, so fixed by the Board of Commissioners of Pitt County, shall not exceed an amount sufficient to provide reasonable compensation for him, and, in addition thereto, to provide him with necessary assistants in the performance of his duties, said assistants to be paid by him from the salary so allowed him, but the amount so allowed, shall in no event exceed that provided for the sheriff of the county, acting as tax collector under chapter five hundred ninety-seven Public-Local Laws one thousand nine hundred twenty-seven.

SEC. 6. That, if the Board of Commissioners of Pitt County should exercise the discretion conferred upon them by this act and appoint a tax collector, as herein provided, then from and after the first day of October, one thousand nine hundred thirty-one, the sheriff's salary shall be and remain as provided in section one of chapter five hundred ninety-seven, to-wit, as follows: That the said sheriff shall receive a salary of Three Thousand (\$3000.00) dollars per year as full compensation for his services: *Provided, however*, that in addition to said salary, he is to receive all fees allowed by law for the seizure of distilleries and the two deputies allowed by the above mentioned act of one thousand nine hundred twenty-seven.

SEC. 7. That this act shall not effect, in any way, sections seven, eight, nine, ten, eleven, twelve and thirteen of chapter five hundred one, Public-Local Laws one thousand nine hundred twenty-one, so far as they apply to the sheriff of Pitt County.

SEC. 8. That this act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, A.D., 1931.

CHAPTER 270

AN ACT TO EXEMPT FROM TAXATION IN EDGECOMBE COUNTY PROPERTY OF FAIR ASSOCIATIONS.

The General Assembly of North Carolina do enact:

SECTION 1. That any property located in Edgecombe County and owned by a fair association, which is devoted exclusively to the operation of agricultural, literary or educational fairs shall

Property of fair associations exempt from taxation in Edgecombe County.

Salary of Sheriff, \$3,000.

Plus fees for seizing stills.

Certain local laws unaffected.

be exempt from all county and municipal taxation: *Provided*, Exception.
that if such fair association shall fail to operate such fair dur-
ing any calendar year then the property of such association shall
be subject to taxation for the next succeeding tax year.

SEC. 2. That all laws and clauses of laws in conflict with Conflicting laws
this act are hereby repealed. repealed.

SEC. 3. That this act shall be in full force and effect from
and after its ratification.

Ratified this the 19th day of March, A.D., 1931.

CHAPTER 271

AN ACT TO AMEND CHAPTER TWO HUNDRED FOUR-
TEEN, PUBLIC-LOCAL LAWS, ONE THOUSAND NINE
HUNDRED TWENTY-FIVE, RELATING TO HAYWOOD
COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section three of chapter two hundred and
fourteen, Public-Local Laws of nineteen hundred and twenty-
five, be amended by striking out the period at the end thereof
and adding the words "including the purchase or erection and
the equipment of a new courthouse and jail and the acquisi-
tion of land therefor." Ch. 214. Public-
Local Laws 1925,
amended, relating
to construction of
Haywood County
courthouse and
jail.

SEC. 2. That this act shall be in force from and after its
ratification.

Ratified this the 19th day of March, A.D., 1931.

CHAPTER 272

AN ACT TO AUTHORIZE THE BOARD OF EDUCATION
OF BURKE COUNTY TO COMPENSATE A. N. DALE
FOR SERVICES RENDERED.

Whereas during the years one thousand nine hundred twenty-
five—one thousand nine hundred twenty-six, A. N. Dale, a mem-
ber of the Board of Education of Burke County, at the request of
the Board, devoted sixty-one days to superintending the erection
of a building in the town of Morganton for Burke County known
as the County Building, now used and occupied by said Board of
Education and other county commissions and officers, thus sav-
ing to the taxpayers of the county many hundreds of dollars:
Now, therefore,

Preamble: Ser-
vices rendered by
A. N. Dale to
Burke County on
County Building.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Education of Burke County
be and it is hereby authorized to pay said A. N. Dale out of the
public school funds of Burke County five dollars per day for
sixty-one (61) days, aggregating three hundred and five dollars

Payment of \$305
authorized.

(\$305.00), for services rendered in the erection of said County Building.

SEC. 2. That this act shall be in effect from and after its ratification.

Ratified this the 19th day of March, A.D., 1931.

CHAPTER 273

AN ACT TO AMEND CHAPTER THREE HUNDRED AND SEVENTEEN, PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-NINE, RELATING TO CERTAIN PUBLIC FUNDS IN CURRITUCK COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section two, chapter three hundred and seventeen, Public-Local Laws of one thousand nine hundred and twenty-nine, be and the same is hereby amended by striking out all after the word "County" in line eight of said section and inserting in lieu thereof the following:

"And out of the balance of such funds the sum of twenty-five hundred dollars shall be placed to the credit of to be used for the General County Funds and allocated in such manner and such amounts as the Board of County Commissioners of said County may deem proper. The remainder of the balance of such game fund shall be placed to the credit of a fund to be known as the 'Sinking Fund' and which sinking fund shall be used only for the purpose of retiring any outstanding bonds against said County and to this end the Board of Commissioners of said County is hereby authorized, empowered and directed to anticipate any such outstanding bonds and shall avail itself of any discounts obtainable in the retirement of any outstanding bonded indebtedness."

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 3. This act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, A.D., 1931.

CHAPTER 274

AN ACT TO AMEND CHAPTER ONE HUNDRED SEVENTY-TWO, PUBLIC-LOCAL LAWS, ONE THOUSAND NINE HUNDRED AND TWENTY-SEVEN, RELATIVE TO OFFICERS OF CUMBERLAND COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter one hundred and seventy-two Public-Local Laws of one thousand nine hundred and twenty-seven be and the same is hereby amended to allow the Sheriff of Cum-

Ch. 317. Public-Local Laws 1929, amended.

Certain balance of game funds in Currituck County placed in general fund.

Remainder in sinking fund.

For outstanding bonds.

Conflicting laws repealed.

Ch. 172. Public-Local Laws 1927, amended, relating to deputy sheriffs in Cumberland County.

berland County with the consent and approval of the Board of County Commissioners to appoint additional deputies who shall work entirely upon a commission basis.

SEC. 2. That the deputies so appointed shall be entitled to receive the fees provided by law for the service of court papers.

To receive fees collected.

SEC. 3. That such appointments shall be held at the will of the Board of County Commissioners.

Appointment.

SEC. 4. That this shall apply only to Cumberland County.

SEC. 5. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Conflicting laws repealed.

SEC. 6. That this act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, A.D., 1931.

CHAPTER 275

AN ACT REGULATING THE OFFICE OF JUSTICES OF THE PEACE AND THE OFFICE OF CONSTABLE OF ASHEVILLE TOWNSHIP, BUNCOMBE COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That section one, chapter four hundred and thirty-eight, of the Public-Local Laws of one thousand nine hundred and twenty-nine, be and the same is hereby repealed. That section four of chapter six hundred and ninety-eight of Public-Local Laws of one thousand nine hundred and twenty-seven, as amended by section two, chapter four hundred and thirty-eight of Public-Local Laws of one thousand nine hundred and twenty-nine, be and is hereby repealed.

Ch. 348, Public-Local Laws 1929; and ch. 698, Public-Local Laws 1927, amended.

SEC. 2. That the Constable of Asheville Township shall receive as full compensation for all services rendered by virtue of his office seventy per cent of the total amount derived from the service of both civil and criminal processes.

Asheville Township Constable to receive as compensation 70 per cent of fees collected.

SEC. 3. That all civil processes issuing out of the office of the magistrates or justices of the peace for Asheville Township shall be delivered to and served by the Asheville Township Constable or his agent, and the said Constable before serving any civil process shall collect the fee as prescribed by law, in advance, and shall receipt the said Justice of the Peace or Magistrate for any and all fees collected.

Duty of Constable in serving civil process.

Fees payable in advance.

SEC. 4. That it shall be the duty of the Constable of the Asheville Township to remit each Saturday morning of every week and show in detail all fees derived by virtue of section one of this act, such report to be made to the Treasurer of Buncombe County, and at the time of making such remittance said Constable shall also file with the Auditor of Buncombe County

Weekly report of Constable to Buncombe County Treasurer and Auditor.

a detailed statement showing each and every fee received, the name of the justice of the peace or magistrate from whom the fee was received, giving the date of the payment of same, and the title of the cause in which said fee was received.

Two deputy constables to be appointed.

SEC. 5. That the Constable of the Asheville Township be and he is hereby authorized and empowered to appoint and designate not more than two deputy special constables, who shall be men of good moral character and residents of Asheville Township, and who shall devote whatever time is necessary in serving papers, both civil and criminal, issued by the Justices of the Peace of Asheville Township, and the special deputy Constables shall receive such compensation for their services as the duly elected Asheville Township Constable may determine, said compensation to be paid by the said duly elected Constable out of his fees.

Compensation payable by Constable.

Bond of deputies.

SEC. 6. That the special deputy constable or constables appointed by the Constable of Asheville Township shall execute a bond in a like amount and under the same terms and conditions as the bond now required of the Asheville Township Constable.

Conflicting laws repealed.

SEC. 7. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 8. That this act shall be in full force and effect from and after the date of its ratification.

Ratified this the 19th day of March, A.D., 1931.

CHAPTER 276

AN ACT TO AMEND CHAPTER ONE HUNDRED AND SEVENTY-FOUR PUBLIC-LOCAL LAWS OF NORTH CAROLINA, SESSION OF ONE THOUSAND NINE HUNDRED AND TWENTY-THREE, RELATING TO THE COMPENSATION OF THE SHERIFF OF EDGECOMBE COUNTY.

The General Assembly of North Carolina do enact:

Ch. 174, Public-Local Laws 1923, amended.

SECTION 1. That section one of chapter one hundred and seventy-four of the Public-Local Laws of North Carolina, Session one thousand nine hundred and twenty-three, fixing the compensation of the Sheriff of Edgecombe County, be and the same is hereby amended so that hereafter said section one shall read as follows:

Commissions allowed Edgecombe County Sheriff for collecting taxes.

"SECTION 1. That in lieu of the commissions to be received by the Sheriff of Edgecombe County, all taxes collected by him for County, Township and Special Road and School Districts, as fixed by section eight thousand and forty-two of the Consolidated Statutes of North Carolina, the said Sheriff of Edgecombe County shall receive on all taxes collected by him for County,

Township, Special Road and School Districts, a commission of four per cent on the first one hundred thousand dollars thereof, a commission of three per cent on the next one hundred thousand dollars thereof, a commission of two and one-half per cent on the next one hundred thousand dollars thereof, and a commission of one per cent on all sums in excess of the said three hundred thousand dollars thereof."

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 3. That this act shall be in full force and effect from and after the first day of July one thousand nine hundred and thirty-one.

Ratified this the 19th day of March, A.D., 1931.

Commissions graduated.

Conflicting laws repealed.

Effective July 1, 1931.

CHAPTER 277

AN ACT TO AMEND HOUSE BILL ONE HUNDRED AND THIRTY-ONE, RATIFIED JANUARY THIRTIETH, ONE THOUSAND NINE HUNDRED AND THIRTY-ONE, ENTITLED, "AN ACT PROVIDING FOR A PEACE OFFICERS' RELIEF FUND FOR THE CITY OF SALISBURY AND ROWAN COUNTY."

The General Assembly of North Carolina do enact:

SECTION 1. That section eight of House Bill one hundred and thirty-one, ratified January thirtieth, one thousand nine hundred and thirty-one, be and the same is hereby amended by striking out the words "The clerk of the Superior Court of Rowan County shall be Ex-Officio Treasurer of the Salisbury and Rowan County Peace Officers' Protective Association, and" and inserting in lieu thereof the following: "The Executive Board shall appoint a Secretary-Treasurer of the Salisbury and Rowan County Peace Officers' Protective Association, who."

SEC. 2. That section nine of House Bill one hundred and thirty-one, be and the same is hereby amended to read as follows:

"SEC. 9. That all officers and members of the Executive Board shall serve without compensation except the Secretary-Treasurer whose compensation shall be fixed and determined by the Executive Board. All necessary office and stationery supplies shall be paid for out of the funds of the Association."

SEC. 3. That all laws in conflict with the provisions of this act are hereby repealed.

SEC. 4. That this act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, A.D., 1931.

H. B. No. 131, Public-Local Laws 1931, amended.

Treasurer of Peace Officers' Relief Fund of Salisbury and Rowan County.

Executive Board to serve without compensation; compensation of Secretary-Treasurer.

Necessary expenses. Conflicting laws repealed.

CHAPTER 278

AN ACT TO AMEND CHAPTER TWO HUNDRED AND SIXTY-SEVEN, PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-THREE, RELATIVE TO THE SALARY OF THE TREASURER OF CASWELL COUNTY.

The General Assembly of North Carolina do enact:

Ch. 267, Public-Local Laws 1923, amended, relating to salary of Caswell County Treasurer.

SECTION 1. That chapter two hundred and sixty-seven, Public-Local Laws of one thousand nine hundred and twenty-three, be amended in section three thereof by striking out the words "six hundred" in line two thereof, and inserting in lieu thereof the words "five hundred and forty."

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Effective April 1, 1931.

SEC. 3. That this act shall be in full force and effect from and after April first, one thousand nine hundred and thirty-one. Ratified this the 19th day of March, A.D., 1931.

CHAPTER 279

AN ACT TO REPEAL CHAPTER ONE HUNDRED FIFTY-NINE OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED TWENTY-NINE, BEING AN ACT "TO INCREASE THE COMPENSATION OF THE REGISTER OF DEEDS OF CASWELL COUNTY, NORTH CAROLINA."

The General Assembly of North Carolina do enact:

Ch. 159, Public-Local Laws 1929, repealed, relating to salary of Caswell County Register of Deeds.

SECTION 1. That Chapter one hundred fifty-nine of the Public-Local Laws of one thousand nine hundred twenty-nine, being an Act to "Increase the compensation of the Register of Deeds of Caswell County", be and the same is hereby repealed.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Effective April 1, 1931.

SEC. 3. That this Act shall be in force and effect from and after the first day of April, one thousand nine hundred thirty-one.

Ratified this the 19th day of March, A.D., 1931.

CHAPTER 280

AN ACT TO PROVIDE FOR THE COMPENSATION OF THE SHERIFF OF WAYNE COUNTY.

The General Assembly of North Carolina do enact:

Compensation of Sheriff of Wayne County to be upon basis of commission rates for tax collections.

SECTION 1. That the Board of Commissioners of Wayne County are hereby authorized and directed at its first meeting after the Wayne County tax levy in one thousand nine hundred and thirty-one to fix and establish graduated commission rates

to be allowed the Sheriff of Wayne County on the collection of County taxes and said Board of Commissioners shall fix and establish such graduated commission rates on the collection of taxes as will, in the opinion of the Board, return to the Sheriff commissions equal to the commissions which the Sheriff's office received for the collection of one thousand nine hundred and twenty-nine taxes under the graduated commission rates which existed for the collection of one thousand nine hundred and twenty-nine taxes: *Provided, however*, said Board may reduce such contemplated returns under the new rates to the extent of ten per cent for the tax years one thousand nine hundred and thirty-one and one thousand nine hundred and thirty-two.

SEC. 2. That as is now being done, the salary of the Jailor of Wayne County shall be paid by the County.

SEC. 3. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 4. That this act shall be in force and effect from and after its ratification.

Ratified this the 19th day of March, A.D., 1931.

CHAPTER 281

AN ACT TO AMEND HOUSE BILL NUMBER FOUR HUNDRED AND FIFTY-FOUR OF THE SESSION OF ONE THOUSAND NINE HUNDRED THIRTY-ONE, CLARIFYING PROVISIONS FOR SALARY OF THE OFFICE CLERK OF THE SHERIFF AND PROVIDING FOR APPOINTMENT OF PURCHASING AGENT IN THE DISCRETION OF THE COUNTY COMMISSIONERS.

The General Assembly of North Carolina do enact:

SECTION 1. That substitute section two of section one, House Bill Number four hundred and fifty-four, session of one thousand nine hundred and thirty-one, be and the same is hereby amended by striking out next to the last sentence of said substitute section and inserting in lieu thereof the following: "That the sheriff may hire an office clerk to assist with collecting the balance of the one thousand nine hundred thirty taxes at a salary not to exceed one hundred (\$100) dollars per month payable out of the general fund of the county and until final and complete settlement of said taxes have been made by the sheriff."

SEC. 2. That section four of House Bill Number four hundred and fifty-four, session of one thousand nine hundred thirty-one, be and the same is hereby amended by substituting the word "may" for the word "shall" after the word "Commissioners" therein.

Computation.

Reduction of rates for 1931-1932 taxes.

County to pay salary of Jailor.

Conflicting laws repealed.

H. B. No. 454.
Public-Local Laws
1931, amended.

Clerk hire of
Union County
Sheriff for collect-
ing 1930 taxes.

Law again
amended, as to
Financial Agent.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this act shall be and the same are hereby repealed.

SEC. 4. That this act shall be in force and effect from and after its ratification.

Ratified this the 19th day of March, A.D., 1931.

CHAPTER 282

AN ACT TO REPEAL CHAPTER THREE HUNDRED AND SEVENTY-NINE, PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-FIVE, DISCONTINUING THREE HUNDRED DOLLARS ALLOWANCE FOR CLERK HIRE TO THE SHERIFF OF CASWELL COUNTY.

The General Assembly of North Carolina do enact:

Ch. 379, Public-Local Laws 1925, repealed, abolishing allowance for clerk hire to Caswell County Sheriff.

SECTION 1. That Chapter three hundred and seventy-nine, Public-Local Laws of one thousand nine hundred and twenty-five, authorizing the Board of Commissioners of Caswell County to pay the sheriff three hundred dollars per annum for clerk hire, be and the same is hereby repealed.

Effective April 1, 1931.

SEC. 2. That this act shall be in full force and effect from and after April first, one thousand nine hundred and thirty-one.

Ratified this the 19th day of March, A.D., 1931.

CHAPTER 283

AN ACT TO INCREASE THE PAY OF COUNTY COMMISSIONERS OF COLUMBUS COUNTY.

The General Assembly of North Carolina do enact:

Compensation of Columbus County Commissioners.

SECTION 1. That the pay of the commissioners of Columbus County be increased to five dollars (\$5.00) per diem and mileage as heretofore provided by law.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Effective next term of office.

SEC. 3. That this act shall be in force from and after the beginning of the next term of office of the county Commissioners of Columbus County.

Ratified this the 19th day of March, A.D., 1931.

CHAPTER 284

AN ACT PROVIDING FOR BIENNIAL ELECTIONS IN CERTAIN CITIES AND TOWNS OF MOORE COUNTY.

The General Assembly of North Carolina do enact:

Time of municipal elections in Moore County.

SECTION 1. That in all cities and towns in Moore County having a population of two thousand five hundred or more by the last Federal census, municipal elections shall be held on the first Tuesday after the first Monday in May of the year one

thousand nine hundred and thirty-one, and every two years thereafter.

SEC. 2. That the provisions of this act shall apply to Moore County only.

SEC. 3. That all laws and clauses of laws in conflict with this act shall be, and are hereby, repealed; but only to the extent of such conflict.

Conflicting laws repealed.

SEC. 4. That this act shall be in force from and after its ratification.

Ratified this the 19th day of March, A.D., 1931.

CHAPTER 285

AN ACT TO ESTABLISH A RECORDER'S COURT FOR MADISON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That an inferior court with civil and criminal jurisdiction hereinafter prescribed, to be known and designated as "Recorder's Court of Madison County, North Carolina," be and the same is hereby created and established for Madison County.

Establishment of Recorder's Court of Madison County.

SEC. 2. That said court shall be a court of record, and shall be presided over by a judge, who shall be learned in the law, of good moral character, and who shall at the time of his election and qualification be an elector of Madison County. That Guy V. Roberts be and he is hereby named and appointed judge of said court for a term of one year, beginning on the first day of April, one thousand nine hundred and thirty-one, and until his successor is elected and qualified. That the successor of said judge shall be elected by the Chairman of the Board of Education, Chairman of the Board of Commissioners, Chairman of the Board of Health, and Chairman of any board or commission which may be established for Madison County by the General Assembly at the session of one thousand nine hundred and thirty-one, for a period of one year; and should any person appointed or elected fail to qualify or a vacancy occur in said office the same shall be filled for the unexpired term by the said agencies above named. Before entering upon the duties of his office said judge shall take and subscribe the oath of office as now provided by law for judges of the Superior Court, and shall file the same with the Clerk of the Superior Court of Madison County.

Court of Record.

Qualifications of Judge.

Appointment of Judge.

Annual election of Judge.

Vacancies.

Oath of office.

SEC. 3. The rules of procedure, issuing process and filing pleadings shall conform as nearly as may be to the practice in the Superior Courts and as prescribed for general county

Rules of procedure according to general law.

courts in sub-chapter five (5), Article twenty-five (25), of the Consolidated Statutes of North Carolina.

Court seal.

SEC. 4. That said court shall have a seal with the impression, "Recorder's Court of Madison County", which seal shall be used in attestation of writs, warrants, or other proceedings, acts, or judgments of said court, as required, and in the same manner and to the same effect as the seal of other courts of record in the State of North Carolina.

Terms of court every Wednesday.

SEC. 5. That the said court shall be open for the trial of causes on each and every Wednesday morning at ten o'clock at the Courthouse in Marshall, North Carolina, and shall continue in session daily until the business before it shall be disposed of, the first session of said court to be held on the first day of April, one thousand nine hundred and thirty-one: *Provided* the judge may continue cases to a day certain, and may, by agreement of parties, or whenever necessary, try cases at any time: *Provided further*, that no session of said court shall be held during the sitting of the Superior Court of Madison County: *Provided further*, that in the trial of civil actions the Clerk of the Superior Court, ex-officio Clerk to Recorder's Court, shall together with the attorneys of the local bar prepare a civil calendar for each term, weekly.

Continuances of cases.

Preparation of weekly calendar.

Election of solicitor.

SEC. 6. That the Chairman of the Boards and Commissions hereinbefore designated to elect the judge of a Recorder's Court shall elect a prosecuting attorney for said court, properly qualified to act for and in behalf of the State, in said county, who shall hold his office for a term of one year, and until his successor is elected and qualified by said agencies; he shall prosecute in all matters cognizable in said court in behalf of the State and of which said court has exclusive or concurrent jurisdiction; and he shall receive for each conviction the sum of five dollars (\$5.00). That before entering upon the discharge of his duties the said prosecuting attorney shall take and subscribe the same oath of office as is now provided by law for solicitors of Superior Court and shall file the same with the Clerk of the Superior Court of said county. That Carl R. Stuart be and he is hereby named and appointed prosecuting attorney of said court for the term of one year beginning April first, one thousand nine hundred and thirty-one, and until his successor is elected and qualified; and should he fail to qualify or a vacancy occur in said office, the same shall be filled by the agencies hereinbefore designated for that purpose.

Duties.

Fees.

Oath of office.

Vacancies.

Clerk of Superior Court to be ex-officio clerk.

SEC. 7. That the Clerk of the Superior Court of Madison County shall be ex-officio Clerk of Recorder's Court, and it shall be his duty to keep the records and proceedings of said court in a suitable manner in books provided for that purpose and to keep an accurate account and true record of all costs, fines, penalties, forfeitures, punishments and judgments rendered and

Accounts and records.

imposed by said court under the provisions of this act, which said record shall be kept in the office of the Clerk of the Superior Court of said county and shall at all times be open to the inspection of the public. That the cost of all books, stationery, dockets, blanks, and other such expenses of said court shall be paid by the Auditor or Treasurer of Madison County upon orders drawn by the Board of Commissioners of said county.

SEC. 8. That it shall be the duty of the sheriff of said county, in person or by deputy, to be in attendance of all sessions of said court for which he shall receive the same fees allowed by law, for attending Superior Court.

SEC. 9. That the chairmen of the boards and commissions hereinbefore designated to elect a judge and solicitor, shall elect a substitute judge or judge pro tem of said court and who shall hold his office for a term of one year and until his successor is elected and qualified; said judge pro tem shall take the same oath of office and be subject to the same rules as the judge of said court, and shall preside at all hearings and try all cases is elected and qualified; said judge pro tem shall take the same such case, or be unable by sickness or from other causes to preside; that said judge pro tem shall receive as compensation for his services the sum of five dollars (\$5.00) for each and every case tried and determined by him in said court, which sum shall be taxed in the bill of costs and collected as the other costs in such action.

SEC. 10. That nothing in this act shall prevent or exclude the judge or judge pro tem of said Recorder's Court from practicing law in the other courts of said county and State in any and all actions which have not been passed upon by said judge or judge pro tem.

SEC. 11. That the jurisdiction of said court shall be as follows:

(a) Said court shall have final, concurrent, original jurisdiction of all criminal offenses committed in Madison County which are now or may hereafter be within the jurisdiction of the Justices of the Peace and Mayors of incorporated towns of said county and all appeals from the Justices of the Peace and Mayors of incorporated towns of said county shall lie and be made returnable to said court.

(b) That said court shall have exclusive original jurisdiction of inquiry to try, hear and determine all crimes and misdemeanors committed in said county below the grade of felony.

(c) In all criminal matters wherein said court has not final jurisdiction it shall have power and is hereby fully authorized to hear and bind over to Superior Court of said county, all persons charged with any crime committed in said county, and in any and all such cases heard by the judge of said court as a committing magistrate in which probable cause of guilt is found

Necessary expenses.

Sheriff of Court and fees.

Election of substitute judge.

Oath of office.

Duties.

Compensation.

Judge and substitute may practice law.

Criminal jurisdiction.
Original jurisdiction of certain crimes.

Crimes below felony.

Hearing on probable cause in cases of felony.

- Admitted to bail. such person or persons so charged shall be admitted to bail if the offense be bailable, to appear at the next term of the Superior Court of Madison County having jurisdiction of criminal offenses, and in default of bond, or if the offense be not bailable to commit the defendant to the common jail of Madison County to await the action of the Superior Court.
- Binding over.
- Powers of Judge. (d) That the judge of said court shall have all the power, jurisdiction, power and authority now conferred by law upon justices of the peace and judges of the Superior Court to impose sentence upon any persons convicted in said court for which the punishment prescribed by law is imprisonment, to be worked upon the public roads of said county, or some other county in said State, as provided by law, and to generally exercise the criminal jurisdiction extended to general county courts by Section sixteen hundred and eight sub-section (m) of the Consolidated Statutes of North Carolina.
- Issuance of warrants. (e) Warrants may be issued by the judge of said court or by any Justice of the Peace of Madison County made returnable to said court for any person or persons charged with the commission of any criminal offense in said county; and any person convicted of any offense in said court shall have the right to appeal as is now provided by the law for general county courts set out in section one thousand six hundred and eight sub-section (z).
- Right of appeal.
- Recovery of forfeited bonds. (f) That said court shall have jurisdiction to try and determine all actions for recovery of any forfeited bond or recognition made returnable to said court for the recovery of any penalty imposed by law, together with the power to dispose of same as is now provided by law.
- Trials by judge when jury not demanded. (g) That all trials of criminal cases in said court shall be upon warrant and by the judge of said court unless a jury trial is demanded as is hereinafter provided, and all civil actions by the judge of said court, unless a jury trial be demanded as hereinafter demanded.
- Civil jurisdiction. (h) Said court shall have civil jurisdiction as follows: jurisdiction concurrent with that of Justices of the Peace of the County; jurisdiction concurrent with the Superior Court in all actions founded on contract; jurisdiction concurrent with the Superior Court in all actions not founded on contract; jurisdiction with the Superior Court in all actions to try title to land and to prevent trespass thereon and to restrain waste thereof; jurisdiction concurrent with the Superior Court in all actions pending in said court to issue and grant temporary and permanent restraining orders and injunctions.
- Concurrent with Superior Court on certain matters.
- Removal of causes. SEC. 12. When upon affidavit made before entering upon the trial of any case before a justice of the peace it shall appear proper for said case to be removed for trial to some other justice of the peace as is now provided by law, said cause may be removed for trial to said recorder's court of said county.

SEC. 13. In all criminal cases heard by justices of the peace, mayors of incorporated towns, and other committing magistrates in said county against any person or persons for any offense within the jurisdiction of said recorder's court, in which probable cause of guilt is found said person or persons shall be bound in a personal recognizance, with surety, to appear at the next succeeding term of the recorder's court beginning more than three days thereafter, for trial, and in default of such surety, such person or persons shall be committed to common jail of Madison County to await trial.

Removal to Court of cases appealed from or without jurisdiction of magistrates.

SEC. 14. That the Superior Court of Madison County shall have concurrent jurisdiction of all criminal offenses of which by this act the recorder's court is given exclusive jurisdiction and of which said recorder's court shall for three months have failed to take cognizance and try or issue process for said defendants; and the grand jury of said Superior Court shall make presentment and find bills of indictment in such cases and said Superior Court proceed to trial of such offenses; *Provided*, that the judge of the Superior Court may direct such bills of indictment as cannot be tried at any term of said court and where the defendant may be in jail to be certified to the recorder's court for trial, and upon receipt of such bill of indictment the judge of said recorder's court shall cause the witness to be subpoenaed and proceed to trial in the same manner as if the case had been commenced in his court.

Jurisdiction of Superior Court where Recorder's Court fails to act.

SEC. 15. The rules of procedure in civil actions shall conform as nearly as may be to the practice of the Superior Courts. The process shall be returnable directly to the court, and may issue out of the court to any county in the State: *Provided*, that civil process in cases within the jurisdiction now exercised by justices of the peace shall not run outside of or beyond the county in which such court sits.

Remanding criminal cases to Recorder's Court.

Civil procedure.

The provisions of the chapters of the Consolidated Statutes on civil and criminal procedure, and all amendments thereof, shall apply as nearly as may be to general county courts; and the judges and clerks of said courts in all causes pending in said courts shall have rights, privileges, powers and immunities similar in all respects to those conferred by law on the judges and clerks of the Superior Courts of the State, and shall be subject to similar duties and liabilities.

General law applicable.

Motions for change venue or removal of cases from the Recorder's Court of Madison County to the Superior Courts of Counties other than the one in which said court sits may be made and acted upon, and the causes for removal shall be the same as prescribed by law for similar motions in the Superior Courts. Pleading, process, jury trials and procedure generally, and appeals shall be as provided for general county courts in

Change of venue or removal.

Other procedure.

sub-chapter five (5) entitled "General County Courts" of the Consolidated Statutes.

Fees: jury fee of \$3.

SEC. 16. That in all civil actions in the Recorder's Court of Madison County fees shall be the same as in the Superior Court except there shall be a Jury Tax of three dollars (\$3.00) in each civil case tried and a fee of five dollars (\$5.00) to be taxed in each case for the judge of said recorder's court. The tax fee of five dollars (\$5.00) for the judge's salary shall be paid in every civil action commenced in said court, or removed to said court, to be deposited by the plaintiff with the Clerk of said Court when such action is brought, removed or appealed. That in cases where the plaintiff is allowed to bring his suit in forma pauperis he shall make such deposit unless he shall also make oath that he is unable by reason of his poverty to do so. Said tax fee shall be taxed and recovered as a part of the costs.

Fee of judge, \$5.

Deposit by plaintiff.

In forma pauperis.

Fine and imprisonment.

SEC. 17. That every defendant in a criminal action who pleads guilty or is adjudged guilty in said court may be fined or imprisoned or both, as provided by law, and shall be taxed with all the costs of the prosecution. All fines and forfeitures collected from the defendants or sureties in said court shall be paid by the Clerk of said Court to the Treasurer of Madison County for the purpose now provided by law; except the tax of five dollars (\$5.00) imposed for the judge and solicitor, which shall be held by the clerk and disposed of as hereinafter prescribed.

Fines and forfeitures, disposition of.

Warrant fee, \$1 for each defendant.

SEC. 18. That the fee for issuing warrants by the judge of said court shall be one dollar (\$1.00) for each defendant named therein and for all other processes, writs and precepts issuing from said court and for judgments, orders and other proceedings of said court, the fees shall be the same as now fixed by law for Clerks of the Superior Court in similar cases; that for the trial and disposition of every criminal and civil case tried or disposed of in said court there shall be taxed a fee of five dollars (\$5.00) for each defendant on trial in each and every criminal case and five dollars (\$5.00) for each civil case tried to be applied to the payment of the judge's salary as hereinafter provided; the fees for serving warrant, precepts and processes issuing from said court shall be the same as now allowed by law for serving like processes of justices of the peace and of the Superior Court of said county: *Provided, however,* that any change in the fees of the Clerk of the Court, Sheriff or other officers shall be applicable to the Recorder's Court of Madison County. That all such fees shall be taxed in the bill of costs and collected in the same manner as in cases tried in the Superior Court, and the Clerk of said court shall keep a separate and distinct account of all such fees collected, to be known as a Recorder's Court Fund to be used in the payment of the costs and

Fees for judge's salary.

Other fees.

Recorder's Court Fund.

fees of officers of said court. That on the first day of each and every month the Clerk of said Court shall pay to the judge or judge pro tem, the fees collected for the trial of cases during the preceding month, and shall pay to the solicitor such fees as have been collected in criminal cases where there was a conviction or a plea of guilty. That annually the Clerk of said court shall pay any surplus remaining in said fund, after the payment of officer's fees as aforesaid, to the treasurer of said county to be applied by him to the Sinking Fund of said county.

Payment of salaries monthly.

Annual surplus, application of.

SEC. 19. That all warrants issued by the judge of said court shall be upon affidavit, and it shall be the duty of the Sheriff or any other lawful officer of the County of Madison or of any incorporated town in said county, upon the request of the judge or solicitor of said court to make affidavit before said judge, to the end that a warrant may issue for the arrest of any person charged with the violation of the criminal law in said county: *Provided, however,* that the said sheriff or other officer making said affidavit shall in no case be marked as prosecutor or be liable for the cost in said action.

Service of warrants by police officers.

SEC. 20. That all writs, warrants, processes, and precepts issuing from said court shall be directed to the sheriff, any constable, or lawful officer of said county or to the chief of police of any incorporated town of said county and when under the seal of said court may be so directed to said officer of any county in the State, and shall be executed by any officer above named to whom it may be directed; and all such officers are hereby fully empowered to execute same. That upon the issuing of the warrant by the judge of said court the same may at said time or any time thereafter be docketed by the Clerk of said court in a warrant docket kept by him for that purpose, and thereupon said Clerk shall upon the request of the judge or solicitor of said court, issue capiases under seal of said court to any county in said State for the arrest of the defendant of defendants named in said warrant and shall note on said warrant docket the county or counties to which the capiases are issued.

Issuance of other processes.

Docketing of warrants.

Capiases.

SEC. 21. That all judgments, orders, and decrees of said recorder's court shall be of the same force and effect as like judgments, orders, and decrees of the Superior Court, and such orders, judgments, and decrees may be docketed in any county in the State and enforced as judgments of the Superior Court.

Force of judgments, orders and decrees.

SEC. 22. That the defendant in any criminal action, and either the plaintiff or defendant in any civil action in said court may at the time of joining the issue of fact, demand and have a trial by jury; and the judge of said court, in all cases in which in his opinion the ends of justice would be best served by submitting the issues to a jury may have a jury called of his own motion, as herein provided, and submit the issue to the jury:

Jury trial upon demand.

- Deposit of \$3 in civil actions. *Provided*, that in all civil actions in which a trial by jury is demanded, the party demanding the same shall deposit with the Clerk of said court a jury fee of three dollars (\$3.00) before the jury shall be ordered by the court, said sum to be taxed in the bill of cost against the party adjudged to pay costs.
- Jury to number six. Drawing of jury. SEC. 23. That in all jury trials in said court the jury shall be six in number, and shall be drawn from the jury box of Number One Township of said County, in open court, and made returnable at such time as may be ordered by the judge of said court; such jurors shall possess the same qualifications as jurors in like cases in the Superior Court, and be subject to the same challenges, and shall serve until discharged by the court. If any juror or jurors so drawn shall fail to appear, or be challenged or be excused for any reason, the court may order tales jurors summoned to take the place of juror or jurors so excused, until said jury is complete, who shall be subject to the same challenges and possess the same qualifications as tales jury in Superior Court: *Provided, however*, that in all cases in which a trial by jury is demanded, the judge of said court shall have the power and is hereby authorized, instead of drawing said jury from the box as aforesaid, cause a jury to be summoned from the bystanders as is now or may hereafter be provided for summoning tales jurors in Superior Court. All regular jurors and witnesses who attend and all case jurors who serve shall receive the same compensation as jurors and witnesses in the Superior Court of said county, and every defendant convicted in a case wherein a jury trial is demanded in criminal cases shall be taxed in the bill of costs with a jury tax of three dollars (\$3.00), and the party adjudged to pay the costs in a civil action wherein a jury trial is demanded shall be taxed in the bill of cost with a jury tax of three dollars (\$3.00).
- Tales jurors.
- Jury ordered from by-standers. SEC. 24. In the trial of any criminal action in said court if the party charged be acquitted, the complainant be adjudged to pay the cost unless said complainant be an officer as hereinbefore provided, and may be imprisoned for the nonpayment thereof, if the court shall adjudge that the prosecution is frivolous or malicious. But in no criminal action or proceeding commenced or tried in said court shall the county be liable to pay any cost except as in this act provided.
- Fees of witnesses and jurors.
- Payment of costs in frivolous prosecutions. SEC. 25. If there be no prosecutor or if the complainant be an officer as hereinbefore provided, in any criminal action tried in said court, and the defendant shall be acquitted, or convicted and unable to pay the costs or shall be sentenced to serve a term on the public roads, or a nolle prosequi be entered, the Clerk of the Recorder's Court shall pay the clerk, sheriff, constable, justices, witnesses, one-half their lawful fees only, from Recorder's Court funds.
- County not liable for costs.
- Where defendant does not pay costs, one-half usual fees are taxed.

SEC. 26. That said court shall have the same power and authority to enforce its orders, judgments, and decrees, and the general conduct of its business, and punish contempts, as is conferred upon the Superior Courts. That in all cases both criminal and civil, in matters of procedure, pleading or trial wherein no authority is conferred or directed by this act, the laws of North Carolina in sub-chapter five (5) of the Consolidated Statutes relating to general county courts shall be applicable.

Enforcement of judgments, orders and decrees.

SEC. 27. That any officers charged with any duty under this act who shall wilfully fail, neglect, or refuse to perform the same shall be guilty of a misdemeanor, and upon conviction thereof may be fined or imprisoned, or both, in the discretion of the court.

Nonfeasance of duty made misdemeanor.

SEC. 28. That in each case tried in said court there shall be a fee of two dollars (\$2.00) taxed in the cost, to be paid into the Recorder's Court fund for the payment of the services of a competent stenographer, said stenographer shall be employed by the chairmen of the boards designated to elect the judge of said court and her salary as per contract to be paid by the Clerk of the Recorder's Court from the Recorder's Court Fund.

Stenographer's fee of \$2 in each case.

SEC. 29. That immediately upon the passage of this act the Secretary of State shall send two certified copies of same to the Clerk of the Superior Court of Madison County.

Secretary of State to send copies of act to Madison County Clerk.

SEC. 30. That all laws and clauses of laws in conflict with this act are hereby repealed.

Conflicting laws repealed.

SEC. 31. That this act shall be in force from and after the first day of April, one thousand nine hundred and thirty-one.

Effective April 1, 1931.

Ratified this the 20th day of March, A.D., 1931.

CHAPTER 286

AN ACT AUTHORIZING AND DIRECTING THE TAX COLLECTING OFFICER OF DURHAM COUNTY TO ADVERTISE AND SELL ALL SUCH REAL PROPERTY FOR TAXES WHICH SHOULD HAVE BEEN SOLD UNDER THE PROVISIONS OF THE EXISTING LAW.

The General Assembly of North Carolina do enact:

SECTION 1. That the tax collecting officer of Durham County is hereby authorized and directed to advertise during the month of May, one thousand nine hundred thirty-one, and sell on the first Monday in June, one thousand nine hundred thirty-one, the real property of any taxpayer upon which the taxes assessed and levied have not been paid and which has not been sold for taxes but according to the provisions of general law should have been sold before the first Monday of June, one thousand nine hundred thirty-one.

Durham County Tax Collector authorized to sell real estate upon which taxes have not been paid.

Certificates of sale to bear interest.

SEC. 2. That any certificate of sale issued at such sale held in accordance with the provisions of this act shall be subject to all the provisions of law with respect to interest from date of such certificate and to action to foreclose the same.

Pending litigation unaffected.

SEC. 2½. This act shall not affect rights or pending litigation.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this act shall be and the same are hereby repealed.

SEC. 4. That this act shall be in full force and effect from and after its ratification.

Ratified this the 20th day of March, A.D., 1931.

CHAPTER 287

AN ACT FOR THE RELIEF OF THE CONSTABLE OF HARKERS ISLAND TOWNSHIP.

The General Assembly of North Carolina do enact:

Fee of \$2.50 for Harkers Island Township Constable, Carteret County, in criminal actions involving said Island.

SECTION 1. The several Courts of the County of Carteret are hereby authorized and directed to tax in their bills of costs in each and every conviction in a criminal matter, the sum of two dollars and fifty cents (\$2.50) as a special item of cost to be paid to the Constable of Harkers Island Township: *Provided, however,* this item of cost shall be taxed against the defendant for the use and benefit of the said Constable only in those criminal cases involving a breach of the peace of Harkers Island Township.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 3. This act shall be in force and effect from and after its ratification.

Ratified this the 20th day of March, A.D., 1931.

CHAPTER 288

AN ACT TO PERMIT CERTAIN RESIDENTS OF WAKE COUNTY TO BE ELECTED TO AND HOLD THE OFFICES OF RECORDER, VICE-RECORDER AND PROSECUTING ATTORNEY OF THE RECORDER'S COURT FOR THE TOWN OF WAKE FOREST.

The General Assembly of North Carolina do enact:

Election of Wake Forest Recorder.

SECTION 1. There shall be elected a recorder of the Recorder's Court for the town of Wake Forest, who shall be of good moral character, and who shall at the time of his election be a qualified elector of Wake County, and who may be a licensed attorney at law.

Qualifications.

SEC. 2. There shall be elected at the same time that the recorder is elected a vice-recorder of the Recorders' Court for the Town of Wake Forest, who shall be of good moral character, and who shall at the time of his election be a qualified elector of Wake County, and who may be a licensed attorney at law.

Election of Vice-Recorder.

Qualifications.

SEC. 3. There shall be elected at the same time that the recorder is elected a prosecuting attorney for the said court who shall be of good moral character, and who shall at the time of his election be a qualified elector of Wake County, and who shall be a licensed attorney at law.

Election of Prosecuting Attorney.

Qualifications.

SEC. 4. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Conflicting laws repealed.

SEC. 5. That this act shall be in full force and effect from and after its ratification.

Ratified this the 20th day of March, A.D., 1931.

CHAPTER 289

AN ACT TO CREATE A PEACE OFFICERS RELIEF FUND FOR THE CITY OF FAYETTEVILLE AND COUNTY OF CUMBERLAND.

The General Assembly of North Carolina do enact:

SECTION 1. *Short Title.* That this act shall be known and may be cited as the Fayetteville and Cumberland Peace Officers Relief Fund.

Title, Fayetteville and Cumberland County Peace Officers Relief Fund.

SEC. 2. *Definitions.* Peace officers shall be deemed to include all Peace Officers of the City of Fayetteville or the County of Cumberland, North Carolina or sub-divisions thereof, who are required by the terms of their employment for election to give their full time to the preservation of public order, the protection of life and property and the protection of crime; and all special officers or citizens who are injured or killed while acting as such peace officers.

"Peace officers" defined.

SEC. 3. *Creation of Association.* An association to be known and designated as the Fayetteville and Cumberland Peace Officers Protective Association shall be formed, the membership of which shall include all peace officers in Cumberland County as defined above.

Protective Association created.

Membership.

SEC. 4. *Registration.* Peace officers who are entitled to membership in the association, in order to share in the benefits provided for in this act, shall make application for membership in the association on blanks to be furnished for that purpose, giving such information as may be required by said association, and shall pay an initiation fee and annual dues to be fixed by the executive board, hereinafter provided for: *Provided, however,* that such initiation fee shall not exceed five dollars and

Registration of peace officers.

Fees.

Special officers. such dues shall not exceed twelve dollars per annum: *Provided, further,* that the provisions of this section shall not apply to special officers or citizens who have not had a reasonable time from date they were appointed, summoned or deputized, to register with such association: and, *Provided further,* that said reasonable time shall not exceed thirty days.

Personnel of Executive Board. SEC. 5. *Creation of Executive Board.* That the Chairman of the Board of Commissioners of Cumberland County, the Mayor of the City of Fayetteville, the member of the Board of Town Commissioners of Fayetteville who is the Chairman of the Police Committee, be and they are hereby named and made members ex-officio of this executive board, and the remainder of the said board shall be the Sheriff of Cumberland County and the Chief of Police of the City of Fayetteville. The said board shall elect a Chairman at its first meeting in each year. A majority of the members of said executive board shall constitute a quorum for the transaction of business.

Chairman.

Quorum.

Revenue consists of fee of \$1 taxed in criminal actions. SEC. 6. *Sources of Revenue.* That in all criminal actions in Cumberland County, North Carolina, brought in courts other than the Justice of Peace wherein the defendant shall enter a nolo contendere, a plea of guilty, or shall be adjudged guilty by the court or found guilty by a jury, wherein the costs of the action are paid by the defendant, there shall be taxed in the bill of costs a fee of one dollar, to be known as the Officers Emergency Fee, and shall be collected as are all other costs in criminal cases, by the clerk or other officer of the court authorized to receive costs; and such funds so received shall be accounted for monthly, a copy of which report shall be sent to the chairman of the executive board, and such funds turned over to the treasurer of the Fayetteville-Cumberland Peace Officers Protective Association, to be by him held and securely kept for the purposes of the association: *Provided, however,* that such officers emergency fee of one dollar shall not be taxed in the costs of the case of violation of city ordinances. Donations and contributions to said Fayetteville-Cumberland Peace Officers Relief Fund may be received from any source approved by the executive board.

Officers Emergency Fee.

Monthly account of fees collected.

Not taxable in cases of city ordinance violations.

Application of fund for sick and injured or for dependents. SEC. 7. *Application of the Fund.* The money so paid into the hands of the treasurer of the Fayetteville-Cumberland Peace Officers Protective Association shall be known as the Fayetteville-Cumberland Peace Officers Relief Fund, and shall be used as a fund for the relief of members of said association who may be injured or rendered sick by disease contracted in the actual discharge of duty as a peace officer, and for the relief of their widows and children, and if there be no widow or children, then dependent mothers of such officers killed or dying from injuries or disease so contracted in such discharge of duty, and as a pension fund for peace officers grown old in line of duty, and also

Pensioning old officers.

for the benefit of special officers or citizens injured as such peace officers and for the further benefit of the widow and children of such officers or citizens who may be killed while acting as such peace officers. All persons entitled to benefits under this section shall make application to the executive board above provided for, and said executive board, shall investigate each application and shall determine what benefits shall be paid. The decisions of the executive board shall be final and conclusive as to what persons are entitled to the benefits and as to the amount of benefit to be paid, and said executive board shall have power to increase or decrease monthly benefits at any time, and no action at law or suit in equity shall be maintained against said association to enforce any claim or recover any benefit under this article or under the constitution or by-laws of said association; but if any officer or committee of said association omits or refuses to perform any duty imposed upon him or them nothing herein contained shall be construed to prevent any proceedings against said officer or committee to compel him or them to perform such duty.

SEC. 8. The Treasurer shall be elected by the members of the Fayetteville-Cumberland Peace Officers Protective Association, said treasurer may be elected from the membership of said association or he may be a person not a member of the association. The term of office of said treasurer to be prescribed in the by-laws to be adopted by the association. The treasurer shall give good and sufficient surety in a sum not less than the amount of money on hand, such bond to be paid for out of the funds of the association, and shall make annual reports to the executive board showing the total amount of money in his hands at the time of filing of the report, and also an account of receipts and expenditures since his last report. The accumulated funds of the association may be invested in bonds and securities un-animously approved by the executive board. All interests and other income received from investments or deposits shall be added to the principal of said fund. Expenditures shall be made only upon vouchers properly signed by the chairman of the executive board and the treasurer.

SEC. 9. *Salaries and Expenses.* All officers and members of the executive board shall serve without compensation, and no salaries shall be paid except an appropriation of twenty-five dollars per month for the secretary who shall be appointed by the executive board. Necessary office and stationery supplies shall be paid for out of the funds of the association.

SEC. 10. The Fayetteville-Cumberland Peace Officers Protective Association shall adopt a constitution and by-laws to be approved by the executive board, suitable for carrying out the provisions and purposes of this act.

Application for benefits.

Decision of Board final.

Mandamus proceedings.

Election of Treasurer.

Bond.

Account of receipts and expenditures.

Vouchers.

Only salary to Secretary of \$25 per month.

Necessary expenses.

Constitution and by-laws.

Group insurance
allowed.

SEC. 11. The executive board shall have authority to insure the members of the Fayetteville-Cumberland Peace Officers Protective Association against death or disability or both during the terms of their employment or terms of office, under forms of insurance known as group or other insurance, and the premiums of such insurance to be payable out of the funds of the association.

Funds not tax-
able.

SEC. 12. *Funds Not Taxable.* The current or accumulated funds of the Association shall not be subject to State, county, or municipal taxation.

SEC. 13. That this act shall be in full force and effect from and after its ratification.

Ratified this the 20th day of March, A.D., 1931.

CHAPTER 290

AN ACT TO CONSOLIDATE THE WOODFIN SANITARY WATER AND SEWER DISTRICT AND THE WOODFIN SANITARY SEWER DISTRICT, AND TO AUTHORIZE THE BOARD OF COMMISSIONERS OF BUNCOMBE COUNTY TO APPOINT A BOARD OF TRUSTEES FOR SAID DISTRICT.

The General Assembly of North Carolina do enact:

Consolidation of
Woodfin Sanitary
Water and Sewer
District.

SECTION 1. That in order to effect a more economical and better administration of the affairs of the Woodfin Sanitary Water and Sewer District created pursuant to Chapter two hundred and thirty-seven Public-Local Laws of one thousand nine hundred and twenty-seven, and the Woodfin Sanitary Sewer District created pursuant to Chapter three hundred and forty-one Public-Local Laws of one thousand nine hundred and twenty-three, (the territory being the same) that said two districts be and they are hereby consolidated into one district to be known as "Woodfin Sanitary Water and Sewer District."

Ch. 447, Public-
Local Laws 1929,
repealed.

SEC. 2. That Chapter four hundred and forty-seven Public-Local Laws of one thousand nine hundred and twenty-nine be and the same is hereby repealed, *Provided, however*, that the present board of trustees mentioned in said act shall continue to hold office until their successors are elected and qualified as hereinafter mentioned.

Buncombe County
Commissioners to
appoint three
Trustees of Dis-
trict.

SEC. 3. That the Board of Commissioners of Buncombe County, shall, not later than thirty days after the ratification of this act, appoint three Trustees for said district, who shall be residents thereof and who shall serve without pay, and who shall hold office for a period of two years or until their successors are appointed and qualify, and at the expiration of their terms of office, their successors shall be appointed in like manner by said Board of Commissioners, *Provided, however*, in case of

Term of office.

Vacancies.

vacancy in said Board of Trustees due to death, resignation or otherwise, such vacancy shall be filled by the Board of Commissioners. The Trustees so appointed by the County Commissioners shall be clothed with all the powers and duties in respect to the operation, management and control of the water and sewer system in said district as is conferred upon the Trustees by virtue of Chapter two hundred and thirty-seven Public-Local Laws one thousand nine hundred and twenty-seven. Immediately upon the qualification of the Trustees appointed by the County Commissioners under the provisions of this section, the offices of the present Trustees of said district shall at that moment expire, and it shall be their duty to surrender all moneys, books, accounts and property belonging to said district to their successors.

Powers and duties.

Present Trustees to give way to new Trustees.

SEC. 4. That said consolidated district shall be and continue a municipal corporation as heretofore, for the purposes and to the extent as contained in said Chapter two hundred and thirty-seven Public-Local Laws of one thousand nine hundred and twenty-seven.

District to continue as municipal corporation.

SEC. 5. The said Board of Trustees appointed under the provisions of this act shall have power to appoint a Water Superintendent to manage the water and sewer systems of said district, and he shall be under the control of and subject to authority of the Board of Trustees, who shall prescribe his duties and fix a reasonable compensation for his services; said Water Superintendent before entering upon the discharge of his duties shall execute a good and sufficient bond in some responsible bonding or surety company, in an amount to be approved by the Board of Trustees and conditioned upon his faithful compliance with his duties as water superintendent, and also that he will fully account for all moneys of whatever character coming into his hands and belonging to said district, and at the expiration of his term of office, or sooner termination thereof, he will render a proper accounting of all moneys received by him and surrender the same to the said Board of Trustees or his successor.

Appointment of Water Superintendent.

Duties and compensation.

Bond.

Conditions of bond.

SEC. 6. The said Board of Trustees shall, at the end of each three months, publish or cause to be published, in some newspaper in Buncombe County, a full and complete report of the financial condition of the aforesaid sanitary district.

Publication of financial condition of District.

SEC. 7. The moneys belonging to said district may be deposited in any bank in Buncombe County and designated as a depository for County funds, but it shall be the duty of the Board of Trustees to require of such bank a good and sufficient depository bond in an amount sufficient to cover all moneys on deposit therein, said bond to be either a surety bond upon a solvent surety company licensed to do business in the State of North Carolina, or said deposit shall be secured by a deposit of

Deposit of moneys of District.

Depository bond.

Collateral may be government bonds.

Failure to secure deposits made misdemeanor.

Conflicting laws repealed.

collateral which shall consist of either United States Government bonds or bonds of the State of North Carolina. Failure on the part of the Trustees to comply with the provisions of this section, shall be a misdemeanor, and shall be punished by a term of not less than three months nor more than six months in the penal institutions of Buncombe County.

SEC. 8. That all acts or parts of acts in conflict with this act be and the same are hereby repealed.

SEC. 9. That this act shall be in force from and after its ratification.

Ratified this the 20th day of March, A.D., 1931.

CHAPTER 291

AN ACT TO REDUCE THE SALARY OF THE SHERIFF OF FRANKLIN COUNTY, TO ABOLISH THE OFFICE OF DEPUTY SHERIFF OF LOUISBURG TOWNSHIP, AND TO PROVIDE FOR A TAX COLLECTOR FOR SAID COUNTY.

Preamble: Ad-
visability of nam-
ing tax collector
for Franklin
County.

Whereas, it is necessary and expedient to create the office of tax collector for the entire county of Franklin in order that the taxes may be more uniformly, economically and efficiently collected; and

Whereas, the appointment of the tax collector for said county of Franklin will relieve the sheriff of said county of the major portion of his clerical and regular duties as such sheriff; and

Whereas, it will be unnecessary to continue the office of deputy sheriff of Louisburg Township and to furnish a full time deputy on salary for the office of said sheriff: *Now, therefore*,

The General Assembly of North Carolina do enact:

After October 1,
1931, Sheriff to
receive as salary
\$2,400.

SECTION 1. That from and after October first, one thousand nine hundred and thirty-one, the salary of the sheriff of Franklin County shall be two thousand and four hundred dollars per annum, which salary shall be payable in twelve monthly installments as now provided by law, and all commissions heretofore allowed for the collection of taxes under section two, chapter forty-five, Public-Local Laws of one thousand nine hundred and twenty-one, and amendments thereto, shall be discontinued from and after October first, one thousand nine hundred and thirty-one, and said sheriff shall, after making full settlement for all taxes by him collected, including the year one thousand nine hundred and thirty, be relieved of all duties incidental to and in connection with the collection of taxes in Franklin County from said date, except back taxes due prior to October first, one thousand nine hundred and thirty-one, and all such duties and powers so conferred upon said sheriff by law is hereby conferred upon the tax collector of said county hereinafter provided for.

In lieu of com-
missions.

Ch. 45, Public-
Local Laws 1921,
amended.

Sheriff relieved of
making tax col-
lections.

Exceptions.

SEC. 2. That section seven, chapter six hundred and ninety-one, Public-Local Laws of one thousand nine hundred and fifteen, section two, chapter two hundred and fifty-five, Public-Local Laws of one thousand nine hundred and twenty-three, and chapter five hundred and two, Public-Local Laws of one thousand nine hundred and twenty-seven, in so far as they relate to the deputy sheriff of Louisburg Township and the fixing of his salary as deputy, be and the same are hereby repealed.

SEC. 3. That there is hereby created for Franklin County the office of tax collector whose duty it shall be to collect all of the taxes in Franklin County, said tax collector to be appointed by the Board of County Commissioners of Franklin County at their meeting on the first Monday in August, one thousand nine hundred and thirty-one, and said tax collector so appointed shall assume his duties as such tax collector on the first Monday in October, one thousand nine hundred and thirty-one. The Board of County Commissioners is hereby given complete supervision of the appointment of said tax collector and shall have authority to employ or discharge such tax collector upon five days notice for cause. Before taking the oath of office as required by law said tax collector shall give a justified bond satisfactory to said commissioners for the proper collection and accounting of all taxes and funds coming into his hands by virtue of his office in a sum to be fixed in the discretion of said Board of County Commissioners, but in no event shall the bond be less than twenty-five thousand dollars.

SEC. 4. Said tax collector shall serve, unless removed for cause, for a period of one year and succeeding tax collectors shall be appointed regularly by the Board of County Commissioners as provided in section three hereof, and nothing herein shall prohibit the commissioners from reappointing a tax collector to succeed himself.

SEC. 5. That the County Commissioners of Franklin County are hereby authorized and empowered to furnish and equip a suitable office for said tax collector at a place convenient for the public. Said tax collector's books, records and accounts shall be at all times subject to the inspection and supervision of the Board of Commissioners of Franklin County and the County Accountant, and said records of said office shall be subject to the inspection of the public. Said tax collector shall make daily settlement with the County Accountant of Franklin County for all funds and taxes collected.

SEC. 6. That said tax collector shall receive no additional compensation or remuneration for conducting land sales or levying on personal property or preparing the insolvent list. It is the intent and purpose of this act that the amount of salary and expense designated herein shall cover all costs, traveling expenses, clerical assistance, and other expense incident to the duties of his office.

Ch. 691, Public-Local Laws 1915; Ch. 255, Public-Local Laws 1923; and Ch. 502, Public-Local Laws 1927, amended, relating to Louisburg Township deputy sheriff.

Office of tax collector created.

Appointment.

Bond.

Amount of bond, \$25,000.

Term of office; one year.

Suitable office to be furnished.

Inspection of books and records.

Daily settlement.

No additional compensation for certain duties.

Salary of tax collector, \$2,000.

SEC. 7. That the salary of the tax collector of Franklin County shall be two thousand dollars per annum which salary shall be payable in monthly installments by the Board of County Commissioners, and in the event said County Commissioners shall discharge or remove said tax collector from office his salary shall immediately cease upon the appointment of his successor by said Board of County Commissioners.

County Commissioners authorized to spend for tax collections \$1,600 for clerks.

SEC. 8. The County Commissioners of Franklin County are hereby authorized, upon the request of the tax collector, to expend for the collection of taxes a sum not to exceed sixteen hundred dollars per annum for the express purpose of employing such clerical assistance or deputy tax collectors as in his opinion may be necessary for the effective collection of taxes in the various townships which assistants or deputy tax collectors shall be, after their appointments by the Board of County Commissioners and the tax collector, under the supervision of the tax collector of said county and said assistants or deputy collectors shall each give such bonds as said Commissioners may deem necessary before assuming the duties of said office, both the bonds of the tax collector and his assistants or deputies shall be furnished without expense to the county. Said tax collector and such deputies as may hereinafter be appointed shall be allowed by the County Commissioners of Franklin County such sums as are necessary not to exceed eight hundred dollars per annum, for the purpose of paying all traveling expenses, costs and other expenses incidental to the levying on property and for the collection of taxes in said county. Said maximum sums of sixteen hundred dollars and eight hundred dollars herein provided for, or such parts thereof as the tax collector may deem necessary, shall be paid by the County Commissioners only upon verified, itemized statements presented to them showing the amounts paid to the tax collector, deputy tax collector or his assistants for their salaries or expenses incurred.

Bonds.

Traveling expenses of \$800 allowed.

Sums payable upon verified statements.

Conflicting laws repealed.

SEC. 9. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 10. That this act shall be in full force and effect from and after its ratification.

Ratified this the 20th day of March, A.D., 1931.

CHAPTER 292

AN ACT TO PERMIT THE KILLING OF FOXES IN CERTAIN TOWNSHIPS IN RICHMOND COUNTY.

The General Assembly of North Carolina do enact:

Killing of foxes may be allowed in Richmond County.

SECTION 1. The board of County Commissioners of Richmond County upon resolution duly passed at any regular meeting may permit the killing of foxes at any or all times of the year in any township or townships in said County; and it shall be no viola-

tion of any law, county, State or otherwise, for any person to kill foxes in any way or manner whatever, in any township of Richmond County, *Provided* that the Board of Commissioners of Richmond County shall have by resolution permitted the killing of foxes in such township at such season or time.

SEC. 2. Any resolution or regulation duly passed by the Board of Commissioners of Richmond County under Section one of this act shall supercede all other existing State or Local laws until said resolution shall be modified or rescinded.

SEC. 3. All laws and clauses of laws in conflict herewith are repealed in so far as they may conflict with the local operation of any resolution passed by the Board of County Commissioners of Richmond County under the powers granted in Section one of this act.

SEC. 4. This act shall be in full force and effect from and after its ratification.

Ratified this the 20th day of March, A.D., 1931.

Regulated by
County Commis-
sioners.

Conflicting laws
repealed.

CHAPTER 293

AN ACT TO AMEND SECTION FOUR, CHAPTER TWO HUNDRED AND THIRTY-THREE OF THE PUBLIC LAWS OF NORTH CAROLINA SESSION OF ONE THOUSAND NINE HUNDRED AND TWENTY-FIVE, IN REFERENCE TO THE SALARIES OF OFFICERS OF THE MUNICIPAL-COUNTY COURT OF THE COUNTY OF LENOIR.

The General Assembly of North Carolina do enact:

SECTION 1. That section four, Chapter two hundred and thirty-three of the Public Laws of North Carolina session of one thousand nine hundred and twenty-five, be amended by striking out the following words in lines eight and nine of said section, "and that such salaries shall not be reduced during the term to which said officers are selected or elected."

SEC. 2. That it shall be the duty of the Board of County Commissioners and the Board of Aldermen of the City of Kinston, to assemble in joint session at the office of the Board of County Commissioners of said county on Monday, May fourth, one thousand nine hundred and thirty-one, at the hour of ten o'clock, A. M., and at said meeting to give consideration to and by a joint resolution to fix the salaries of the Recorder and the Solicitor of the Municipal-County Court for the County of Lenoir, which salaries so fixed at said meeting shall be paid to said officers respectively of said Court from and after May fourth, one thousand nine hundred and thirty-one, and until modified or changed according to law.

Ch. 233. Public
Laws 1925,
amended, relating
to salaries of of-
ficers of Municip-
al-County Court
of Lenoir County.

Salaries of Re-
corder and Solic-
itor to be fixed.

Ch. 408, Public-Local Laws 1927, amended, making terms of office four years instead of two.

SEC. 3. That section one of Chapter four hundred and eight of the Public-Local Laws, one thousand nine hundred and twenty-seven, be and the same is hereby amended by striking out the word "four" in line eight of sub-section (b) of said section and inserting in lieu thereof the word "two", so that after the election to be held in November, one thousand nine hundred and thirty-two, the Solicitor and Recorder of said Court shall serve for a period of two years.

Applicable only to Lenoir County.

SEC. 4. That this act shall be applicable only to the County of Lenoir.

Conflicting laws repealed.

SEC. 5. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 6. That this act shall be in force from and after its ratification.

Ratified this the 20th day of March, A.D., 1931.

CHAPTER 294

AN ACT TO AMEND SALARY ACT OF BEAUFORT COUNTY FIXING SALARY OF REGISTER OF DEEDS.

The General Assembly of North Carolina do enact:

Ch. 229, Public-Local Laws 1921, amended.

SECTION 1. That section number three of chapter two hundred and twenty-nine, Public-Local Laws nineteen hundred and twenty-one, reading as follows:

"That section nine of chapter one hundred and seventy-two, Public-Local Laws of one thousand nine hundred and nineteen, be amended by striking out the words "three thousand eight hundred" in line two and inserting in lieu thereof the words "five thousand".

Salary of Beaufort County Register of Deeds reduced.

Be and the same is hereby amended as follows; strike out the words "five thousand" at the end of said section and insert in lieu thereof "four thousand".

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this act are hereby repealed.

Effective December, 1930.

SEC. 3. That this act shall be full force and effect from and after the first Monday in December, one thousand nine hundred and thirty.

Ratified this the 21st day of March, A.D., 1931.

CHAPTER 295

AN ACT TO ALLOW THE BOARD OF COUNTY COMMISSIONERS OF GRAHAM COUNTY AND ITS DEPOSITORY TO ENTER INTO A CONTRACT REGARDING CERTAIN COUNTY FUNDS.

Preamble: Closing of Graham County Bank and its liquidating agent.

Whereas, the Graham County Bank on and before the twentieth day of November, nineteen hundred and thirty, had on deposit the sum of approximately thirty-four thousand, two hundred dollars of Graham County funds, and

Whereas, the American National Bank of Asheville, North Carolina, had been designated as depository for the funds of said bank, and

Whereas, on said twentieth day of November, nineteen hundred and thirty, said American National Bank closed its doors thereby temporarily tying up the funds of said county and bank, and

Whereas, funds for meeting the financial needs of Graham County have been provided, and,

Whereas, said County funds are amply secured by bond and collateral. Now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of County Commissioners of Graham County is hereby authorized and empowered to enter into a contract with Graham County Bank to allow said bank two years within which to collect and pay to said County said money now on deposit in said American National Bank, and for the said bank to pay to the said county any loss it may sustain by reason of the liquidation of said American National Bank.

County funds tied up.

SEC. 2. That if such agreement is entered into between the Board of County Commissioners of Graham County and said Graham County Bank, then it shall be the duty of said Graham County Bank and it is hereby required to pay or place to the credit of Graham County any and all monies received from the funds on deposit in said American National Bank, and said Graham County Bank is hereby required to pay or place to the credit of Graham County, any and all collections made by it of the collateral notes now held by Graham County as security.

County authorized to contract with Bank regarding collection of deposits.

Provided, that upon payment of the said Graham County Bank to Graham County of any portion of said funds, the Board of County Commissioners are hereby authorized to surrender to said bank collateral notes equal to the amount so paid.

Money to be turned over to County as collected.

SEC. 3. That all laws and clauses of laws in conflict with this act are hereby repealed.

Collateral to be surrendered as funds are received.

SEC. 4. That this act shall take effect from and after its ratification.

Conflicting laws repealed.

Ratified this the 21st day of March, A.D., 1931.

CHAPTER 296

AN ACT FOR THE RELIEF OF T. M. CRYSEL, TREASURER, G. G. ELLEDGE, SHERIFF, J. M. BUMGARNER, T. L. PARSONS, C. L. SMOOT, TAX COLLECTORS OF WILKES COUNTY, NORTH CAROLINA.

That whereas it appears that T. M. Crysel as Treasurer of Wilkes County, G. G. Elledge as Sheriff of Wilkes County, J. M. Bumgarner, T. R. Parsons and C. L. Smoot as Tax Collectors of Wilkes County had on deposit in the Bank of Wilkes of

Preamble: Loss of Wilkes County funds by certain officers in failure of Bank of Wilkes.

Wilkesboro, N. C., certain sums of money belonging to the County of Wilkes; and

Whereas it appears that until the time of the failure of said bank it was universally regarded as a sound, reliable and solvent State Banking Institution; and

Whereas it appears that said Bank of Wilkes of Wilkesboro, N. C., failed on or about the twenty-eighth day of May, one thousand nine hundred and twenty-seven; and

Whereas it further appears that said T. M. Crysel as Treasurer of Wilkes County, G. G. Elledge as Sheriff of Wilkes County, J. M. Bumgarner, T. R. Parsons and C. L. Smoot as Tax Collectors of Wilkes County, N. C., used such care, prudence and diligence in the preservation and safe keeping of the funds of Wilkes County which were intrusted to them as careful and reasonably prudent men would have exercised under the circumstances, the said Bank of Wilkes having been designated by the County Commissioners for Wilkes County, in good faith as the depository for the funds of the County, in regular session, as appears of Record in the Minutes of the Proceedings of the County Commissioners: *Now therefore,*

The General Assembly of North Carolina do enact:

SECTION 1. That the said T. M. Crysel as Treasurer of Wilkes County and G. G. Elledge as Sheriff of Wilkes County and J. M. Bumgarner, T. R. Parsons and C. L. Smoot as Tax Collectors for Wilkes County, and their bondsmen be, and they are hereby discharged and relieved of any liability to the County of Wilkes, which has or may hereafter result or accrue by reason of the failure of the Bank of Wilkes of Wilkesboro, North Carolina, as to any funds on deposit in said Bank of Wilkes at the time of its failure, having been deposited by said T. M. Crysel as Treasurer, G. G. Elledge as Sheriff and J. M. Bumgarner, T. R. Parsons and C. L. Smoot as Tax Collectors of Wilkes County in their official capacity as Treasurer, Sheriff and Tax Collectors, respectively, and belonging to the County of Wilkes, *Provided*, that nothing in this act shall be construed to relieve the said G. G. Elledge as Sheriff, T. M. Crysel as Treasurer, J. M. Bumgarner, T. R. Parsons and C. L. Smoot as Tax Collectors, of the payment of such funds as have been or may hereafter be received in the form of dividends from the liquidation of the said Bank of Wilkes, to the County of Wilkes; *Provided*, this act shall not be effective until and unless approved by the board of commissioners of Wilkes County by resolution duly adopted and approved; and the said board of commissioners of Wilkes County are hereby authorized and empowered in their discretion to make effective the provisions of this act by resolutions duly approved and adopted by the majority of said board.

Exercise of due diligence on part of officers.

Officers and bondsmen relieved of personal liability on account of loss.

Officers to pay to County any liquidating dividends received.

Act to be approved by County Commissioners.

SEC. 2. That all laws and clauses of laws in conflict with this act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 21st day of March, A.D., 1931.

CHAPTER 297

AN ACT TO REGULATE THE ELECTION OF THE COMMISSIONERS FOR THE COUNTY OF RICHMOND.

The General Assembly of North Carolina do enact:

SECTION 1. That for the purpose of electing the commissioners for Richmond County, the townships of said county shall be divided into five districts as follows:

Election of Richmond County Commissioners by districts.

(a) Steeles Township Number One, Steeles Township Number Two and Black Jack Township shall constitute the First District.

First district.

(b) Mineral Springs and Beaver Dam Townships shall constitute the Second District.

Second.

(c) Rockingham Township shall constitute the Third District.

Third.

(d) Wolf Pit Township shall constitute the Fourth District.

Fourth.

(e) Marks Creek Township shall constitute the Fifth District.

Fifth.

SEC. 2. That one county commissioner shall be elected from each of the aforesaid districts by the qualified voters at large of said county at the time and in the manner provided by law.

One Commissioner to be elected at large from each district.

SEC. 3. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed.

Conflicting laws repealed.

SEC. 4. That this act shall be and remain in full force and effect from and after its ratification.

Ratified this the 21st day of March, A.D., 1931.

CHAPTER 298

AN ACT FOR THE RELIEF OF JOHN J. TAYLOR, SHERIFF OF STOKES COUNTY.

Whereas, The Board of Commissioners of Stokes County duly designated the Bank of Stokes County as depository for all county funds, and

Preamble: Loss by Stokes County Sheriff of public funds in Bank of Stokes County.

Whereas, John J. Taylor, as Sheriff and Treasurer, by authority of the authorization deposited in the Bank of Stokes County the funds coming into his hands as such Sheriff and Treasurer, and

Collateral secured.

Whereas, the Bank of Stokes County hypothecated, by agreement with Stokes County, certain deeds of trust and mortgages to secure the funds so deposited, Now, therefore,

The General Assembly of North Carolina do enact:

Sheriff and bondsmen relieved of personal liability.

SECTION 1. That the action and acts taken by the said John J. Taylor, as Sheriff and Treasurer, pursuant to the authorization of the Board of Commissioners of Stokes County in depositing the funds coming into his hands in said bank are declared legal and effective and the said John J. Taylor, as Sheriff and Treasurer, and individually, and his bondsmen are relieved from liability on account of any loss accruing or that may accrue to Stokes County by reason of the insolvency or failure of the Bank of Stokes County. *Provided* this act shall not be effective until and unless approved by the board of commissioners of Stokes County by resolution duly adopted and approved; and the said board of commissioners of Stokes County are hereby authorized and empowered in their discretion to make effective the provision of this act by resolutions duly approved and adopted by the majority of said board.

County Commissioners to approve Act.

Collateral to be retained by County.

SEC. 2. That any and all collateral, notes, deeds of trust and other security hypothecated by agreement between the Bank of Stokes County and Stokes County are declared to be dedicated to the payment of any deposits or other monies due to Stokes County from the Bank of Stokes County pursuant to agreement had.

SEC. 3. That this act shall be in full force and effect from and after its ratification.

Ratified this the 21st day of March, A.D., 1931.

CHAPTER 299

AN ACT FOR THE RELIEF OF THE CLERK OF THE SUPERIOR COURT AND REGISTER OF DEEDS OF CARTERET COUNTY.

The General Assembly of North Carolina do enact:

Carteret County Clerk of Superior Court allowed sum for deputy.

SECTION 1. From and after May first, nineteen hundred and thirty-one, the Clerk of the Superior Court of Carteret County shall be allowed and paid from the general County fund the sum of fifty dollars (\$50.00) a month to be applied as partial payment on the salary of deputy clerk.

Register of Deeds also.

SEC. 2. From and after May first, nineteen hundred and thirty-one, the Register of Deeds of Carteret County shall be allowed and paid from the general County fund the sum of twenty-five (\$25.00) dollars a month to be applied as partial payment on the salary of deputy register.

SEC. 3. That all laws and clauses of laws in conflict with this act shall be repealed.

Conflicting laws repealed.

SEC. 4. This act shall be in force and effect from and after its ratification.

Ratified this the 21st day of March, A.D., 1931.

CHAPTER 300

AN ACT TO AMEND CHAPTER THREE HUNDRED SEVENTY-FIVE, PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-FIVE, RELATING TO IMPORTATION OF HOGS INTO GRANVILLE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section one of chapter three hundred seventy-five, Public-Local Laws of one thousand nine hundred twenty-five, be amended by striking out the words "Granville and", in line two thereof, and by changing the word "counties" in said line to the word "county".

Ch. 375, Public-Local Laws 1925, amended, relative to importation of hogs into Granville County.

SEC. 2. This act shall be in force and effect from and after its ratification.

Ratified this the 21st day of March, A.D., 1931.

CHAPTER 301

AN ACT TO PROVIDE FOR THE PAYMENT OF ALL THE ROAD BONDS OF ROBERSONVILLE TOWNSHIP, MARTIN COUNTY.

Whereas there are certain outstanding road bonds of Robersonville Township, Martin County, issued under the provisions of chapter twenty-nine, Public-Local Laws of one thousand nine hundred and thirteen; and

Preamble: Outstanding road bonds of Robersonville Township, Martin County.

Whereas the road trustees of said Robersonville Township, Martin County, own certain real estate that may be sold and applied to the discharge of said indebtedness: *Now, therefore,*

The General Assembly of North Carolina do enact:

SECTION 1. That notwithstanding the provisions in House Bill three hundred and thirty-eight, enacted at this Session of the General Assembly, with respect to the public roads of the State, the board of trustees of Robersonville Township, Martin County, as provided for in chapter twenty-nine of the Public Laws of one thousand nine hundred and thirteen, shall be continued in the full exercise of the authority conferred upon them by law with respect to the levying and collection of taxes to provide for the payment of the outstanding road bond indebted-

Road trustees authorized to levy and collect taxes for retiring outstanding road bonds.

Authorized to sell real estate and personal property and apply proceeds to retirement of bonds.

County not to expend tax money for road construction.

Conflicting laws repealed.

ness of said township, and shall likewise have authority to sell and convey any real estate owned by said board of trustees and apply the proceeds of such sale to the exclusive purpose of the discharge of the said bonded indebtedness; and likewise to sell or dispose of and have control of for the purpose of application to said indebtedness the proceeds therefrom of any personal property belonging to said board of trustees which is not taken over by the State Highway Commission under the provisions of the act of one thousand nine hundred and thirty-one, above referred to; but it is expressly intended that this act shall not authorize the said board of trustees to levy any tax or expend any money in the construction, improvement or maintenance of public roads after July first, one thousand nine hundred and thirty-one.

SEC. 2. That all laws and clauses of laws in conflict with this act to the extent of such conflict only are hereby repealed.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 21st day of March, A.D., 1931.

CHAPTER 302

AN ACT TO PROHIBIT THE USE OF STEEL TRAPS IN HERTFORD COUNTY ON THE LANDS OF ANOTHER WITHOUT WRITTEN CONSENT OF THE OWNER THEREOF.

The General Assembly of North Carolina do enact:

Setting of steel traps in Hertford County without written permission of owner of lands prohibited.

SECTION 1. That it shall be unlawful for any person, firm or corporation to set, affix or attach any steel trap on any lands in Hertford County, belonging to another person, unless the written consent of the owner of the land shall have been first obtained.

Violation made misdemeanor.

SEC. 2. That any person violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding fifty dollars or imprisoned not over thirty days.

SEC. 3. That this act shall take effect from and after its ratification.

Ratified this the 21st day of March, A.D., 1931.

CHAPTER 303

AN ACT RELATING TO STATE'S WITNESSES IN WAKE COUNTY.

The General Assembly of North Carolina do enact:

Wake County not taxable with witness fees of salaried officers acting as State's witnesses.

SECTION 1. In Wake County, when on the trial of a criminal action, the costs, or any part thereof, are taxed against the County, the witness fees of all-time salaried officers or an all-

time salaried employee of the County of Wake or the city of Raleigh shall not be taxed against Wake County in the bill of costs.

SEC. 2. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 3. That this act shall be in force and effect from and after its ratification.

Ratified this the 21st day of March, A.D., 1931.

Conflicting laws repealed.

CHAPTER 304

AN ACT GIVING A LIEN ON CATTLE FOR PASTURAGE.

The General Assembly of North Carolina do enact:

SECTION 1. That any person, firm or corporation furnishing pasturage for any cattle, sheep, swine or goats and likewise to any horse, mule or other livestock, shall be entitled and shall have a lien on any and all such livestock for which pasturage is so furnished or provided, for the amount or the charges for such pasturage for the current year.

Lien given to furnishers of pasture for cattle.

SEC. 2. That said lien shall be enforceable in the same manner as is provided for the collection of damages and cost in cases of straying livestock.

How lien is enforced.

SEC. 3. That it shall be unlawful for any person, firm or corporation to remove or cause to be removed any such livestock from any pasture or inclosure used as a pasture in which livestock is pastured for hire, without first giving notice to the person, firm or corporation so furnishing such pasturage, and any person, firm or corporation violating this act shall be guilty of a misdemeanor and shall be fined not exceeding the sum of twenty-five dollars or imprisoned for not exceeding thirty days in the common jail, of Buncombe County.

Unlawful to remove cattle without notifying furnisher of pasturage.

SEC. 4. That this act shall apply to Buncombe County only, and shall be in full force and effect from and after its ratification.

Violation of act made misdemeanor.

Applicable only to Buncombe County

Ratified this the 21st day of March, A.D., 1931.

CHAPTER 305

AN ACT TO REPEAL THE STATUTES CREATING THE BURKE COUNTY ROAD COMMISSION.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter sixty-four (64) of the Public-Local Laws of the session of one thousand nine hundred and twenty-one (1921) creating the Burke County Road Commission, and any and all acts amending the same, including chapter two hundred and thirty (230) of the Public-Local Laws of the ses-

Ch. 64, Public-Local Laws 1921; and ch. 230, Public-Local Laws 1929, repealed, abolishing Burke County Road Commission.

County Commissioners to succeed to powers.

sion of one thousand nine hundred and twenty-nine (1929), be and the same are hereby repealed, *Provided, however*, that from and after the ratification of this act and until July first, one thousand nine hundred and thirty-one (1931), but not after said date, the Board of Commissioners of Burke County shall exercise all the powers conferred upon the Burke County Road Commission by the aforesaid statutes.

SEC. 2. That this act shall be in force and effect from and after its ratification.

Ratified this the 21st day of March, A.D., 1931.

CHAPTER 306

AN ACT TO PROVIDE FOR AN AUDIT OF THE VARIOUS OFFICES AND DEPARTMENTS OF BERTIE COUNTY.

The General Assembly of North Carolina do enact:

Bertie County Commissioners directed to have audit made of County affairs.

SECTION 1. That the Board of Commissioners of Bertie County are hereby authorized, empowered and directed within the next two years from the ratification of this act to cause to be made by a certified public accountant who shall not be a resident of the county, an audit of every office and department handling any of the funds of said county, and pay for the same out of the general funds belonging to the county, *Provided* the cost of the same shall not exceed the sum of three thousand dollars.

Maximum cost.

Open to public inspection.

SEC. 2. That the said audit, when prepared and certified by the certified public accountant making the same, shall be filed with the Board of Commissioners for Bertie County and shall at all times be open to public inspection.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 4. That this act shall be in full force and effect from and after its ratification.

Ratified this the 21st day of March, A.D., 1931.

CHAPTER 307

AN ACT TO CONFER ADDITIONAL AUTHORITY UPON THE RECORDER'S COURT OF CALDWELL COUNTY.

The General Assembly of North Carolina do enact:

Salary fees taxed in costs in Caldwell County Recorder's Court.

SECTION 1. The Clerk of the Recorder's Court of Caldwell County shall tax against the defendant, who is convicted, or who confesses his guilt, or upon whom judgment is suspended in said court, a tax fee of Six (\$6.00) Dollars and these several sums, when collected, shall be paid over by the Clerk of the Court to the County Auditor, acting as Treasurer, to be kept by

Criminal actions, \$6.

him as a separate and distinct fund to be known as "The Recorder's Court Fund." This fund shall be used only in paying the salary of the Recorder and Prosecuting Attorney of said court and other expenses of the Court.

Salary fund.

In all civil actions, the Clerk shall tax against the losing party the sum of Six (\$6.00) Dollars and all sums, so collected, shall be disposed of as above provided for tax fees in criminal actions.

Civil actions, \$6.

SEC. 2. This act shall take effect from and after its ratification.

Ratified this the 21st day of March, A.D., 1931.

CHAPTER 308

AN ACT TO AUTHORIZE AND EMPOWER THE BOARD OF COMMISSIONERS OF SAMPSON COUNTY TO REGULATE THE OPENING AND CLOSING OF FILLING STATIONS ON THE SABBATH DAY.

The General Assembly of North Carolina do enact:

SECTION 1. That a majority of the qualified voters residing within a radius of one mile of any filling station in Sampson County, situated outside of the incorporated towns in said county, may subscribe and file a petition with the Board of Commissioners of said county requesting that such filling station be opened or closed on the Sabbath day, or during certain hours on the Sabbath day. The Board of Commissioners shall receive and file such petition and give notice of a hearing on such petition to be held at the next or some subsequent regular meeting of the Board of Commissioners by posting a notice at the Court House door and also on or near such filling station for a period of not less than thirty days, specifying in said notice the time of the hearing. At such meeting the Board of Commissioners shall ascertain if said petition has been duly signed by a majority of the qualified voters within a radius of one mile of such filling station; and in such event, the Board of Commissioners shall make and it is hereby authorized and empowered to make, rules, regulations and ordinances governing the opening and closing of such filling station within said county and outside the incorporated towns in said county on the Sabbath day; and shall prohibit the opening of such filling station altogether on said day, or prescribe certain hours in which it may remain open, according to the terms of said petition.

Establishment of Sunday closing hours of filling stations upon petition in Sampson County.

Hearing on petition.

Action of County Commissioners on petition.

SEC. 2. That the violation of the provisions of any ordinance made under authority of this act shall be a misdemeanor and shall be punished in the discretion of the court.

Violation of such ruling made misdemeanor.

Conflicting laws
repealed.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 4. That this act shall be in full force and effect from and after its ratification.

Ratified this the 21st day of March, A.D., 1931.

CHAPTER 309

AN ACT TO PREVENT THE THROWING OF GARBAGE, WASTE OR OTHER MATERIAL OR REFUSE NEAR THE PUBLIC ROADS OR PUBLIC HIGHWAYS IN THE COUNTY OF LEE.

The General Assembly of North Carolina do enact:

Dumping garbage
etc., near public
highways in Lee
County prohibited.

SECTION 1. That it shall be unlawful for any person, firm or corporation, personally, or through agents or servants, to throw or cause to be thrown any garbage, waste, obscene matter, or other refuse, including old automobiles and automobile parts, on the public roads or public highways of the County of Lee, or within a distance of three hundred feet therefrom, or to make any trash pile, scrap pile or pile of other obscene matter within a distance of three hundred feet from any public highway. The throwing of garbage, waste or other refuse, including the storing of old automobiles and automobile parts on said public roads and public highways or within the limit above prescribed and the making of any trash pile, scrap pile, a pile of other obscene matter within said limits is declared to be a public nuisance: *Provided*, this act shall not apply to territory within the corporate limits of towns and cities.

Declared nuisance.

Violation of Act
made misdemeanor.

SEC. 2. Any person, firm or corporation violating the provisions of this act shall be guilty of a misdemeanor and fined not exceeding fifty dollars or imprisonment not exceeding thirty days, or both, in the discretion of the court.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 21st day of March, A.D., 1931.

CHAPTER 310

AN ACT RELATING TO THE DUTIES AND COMMISSIONS OF THE CLERK OF THE SUPERIOR COURT OF BERTIE COUNTY, WHEN ACTING AS RECEIVER.

The General Assembly of North Carolina do enact:

Fees of Bertie
County Clerk
Superior Court
when acting as
receiver in certain
cases.

SECTION 1. That there be allowed to the Clerk of the Superior Court of Bertie County, when duly appointed by the Superior Court as receiver for any minor, incompetent or any other person or persons, as compensation for services rendered in connec-

tion with said receiverships, such compensation in each case as the Court may direct to be retained by said Clerk out of said funds.

SEC. 2. That all other fees, commissions and charges as now regulated by law shall be paid to the county treasurer of Bertie County, as now provided for. Other fees to be turned over to County Treasurer.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed. Conflicting laws repealed.

SEC. 4. That this act shall be in force and effect from and after its ratification.

Ratified this the 21st day of March, A.D., 1931.

CHAPTER 311

AN ACT RELATING TO THE HUNTING OF RABBITS IN NORTHAMPTON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be lawful to hunt and kill rabbits with guns in Northampton County at any season of the year. Open season on rabbits in Northampton County.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed. Conflicting laws repealed.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 21st day of March, A.D., 1931.

CHAPTER 312

AN ACT TO REPEAL THE CHARTER OF THE SHARPSBURG GRADED SCHOOL DISTRICT.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter eight hundred and forty-five of the Public Laws of nineteen hundred and five entitled "An Act to Establish and Maintain a Graded School in Specific Territory in Wilson, Edgecombe and Nash Counties", together with any and all amendments thereto, be and the same is hereby repealed. Ch. 845, Public Laws 1905, repealed, abolishing charter of Sharpsburg Graded School District.

The boundary lines of the said district shall be in nowise affected or changed by this repeal of the charter, but the said district shall be and become a local tax district: *Provided, however,* the Boundaries unaffected.

portion of the said local tax district being within each county shall be subject to the adopted county-wide plan of the county in which such portion lies and likewise subject to any future Becomes local tax district.

amendment of such county-wide plan.

SEC. 2. The provisions of this act shall in nowise affect the authority of the several counties to levy local taxes voted by the people of the district, but the same shall remain in full force and effect, notwithstanding the repeal of the Charter. Nor shall Collection of taxes unaffected.

Bonded indebtedness unaffected.

the provisions of this act affect the validity of any bonded indebtedness or other prior building obligations of the said district. The same shall be and remain a charge upon the property of the district in as full and ample manner as it was prior to the repeal of the charter.

District school committee retained till expiration of terms.

SEC. 3. The district school committee shall be composed of five members. The present five incumbents shall serve until their terms expire unless they or any of them resign, whereupon the Board of Education of the County in which the building is located shall name three members and the boards of education of the other two counties shall name one member each. The committee shall have all the powers conferred upon local tax district committees under the general law but no other powers.

Successors.

Control over operation of school.

SEC. 4. The operation of the school shall be under the control of the Board of Education of the county in which the building is located.

Cost of school borne by Wilson, Edgecombe and Nash Counties on proportionate basis.

SEC. 5. (a) Each county shall contribute annually to the operation of the school for the six months term and for any extended term that proportion of the whole cost, except the cost of transportation, that is represented by the pro rata part which the average daily attendance for the preceding year of children residing in each county bears to the whole average daily attendance for the preceding year, so long as the three county boards of education agree to operate this as a joint school.

Contribution toward building indebtedness.

(b) Beginning with the school year one thousand nine hundred and thirty-one and one thousand nine hundred and thirty-two, it shall be lawful for the Boards of Education of each county, regardless of which county is the site of the building, to contribute to the cost of the building and equipment from county or from district funds, in accordance with the proportion set out in this section and each of said counties is hereby directed to so contribute until the present building indebtedness is paid.

To whom paid.

(c) Payments of contributions to the support of the six months term shall be made to the treasurer or fiscal agent of the county administering the school to be credited to the operation of this school only.

Collection of local taxes.

(d) Local taxes shall be collected as in local tax districts in the several counties and paid over by the boards of education to the county board that operates the school.

Preparation of school budget.

(e) On or before the first day of May each year, the county board of education which operates the school shall cause its secretary to make for each county a district budget for each fiscal year, setting forth the average daily attendance of children from each county, a detailed statement of expenditures determined to be necessary for the ensuing year and the pro rata contributions to be made by each county. They shall like-

Contents.

wise furnish at the same time reports on the census and enrollment by counties and a detailed report of expenditures made for the preceding year shall be made to each county by July fifteenth of each year.

(f) Each county shall pay that part of the cost of transportation that is represented by the ratio which the average number of its children transported to this school the preceding year bears to the whole average number of children lawfully transported to this school the preceding year. Each county is authorized to transfer its high school students residing in this district to any high school where it considers the cost of making provision for them most economical.

Prorate payment for school transportation.

SEC. 6. On or before July first, nineteen hundred and thirty-one, the board of trustees shall convey by deed to the board of education of the county in which the school is located, the title to all school property of whatever kind, and the board of education of said county shall at once execute a contract with the other two counties fixing the interests in said property belonging to the other two counties proportionately to that part of the cost of said property contributed by each.

Disposition of present school property.

SEC. 7. All laws and clauses of laws in conflict with this act are hereby repealed to the extent of such conflict.

Conflicting laws repealed.

SEC. 8. This act shall be in full force and effect from and after July first, nineteen hundred and thirty-one.

Effective July 1, 1931.

Ratified this the 23rd day of March, A.D., 1931.

CHAPTER 313

AN ACT TO PROVIDE TEMPORARY CARTWAYS IN CATAWBA, CALDWELL, BURKE AND LINCOLN COUNTIES.

The General Assembly of North Carolina do enact:

SECTION 1. That if any person shall own any standing timber to which there is leading insufficient public roads or cartways and it shall appear necessary, reasonable and just that such person shall have a cartway or cartways to a public road and that the owner of the standing timber and the owner or owners of the land over which such cartway or cartways are proposed to be located can not agree after negotiations over a period of at least ten days as to the locations of said cartways or as to the damages to be paid therefor, then in such event he may file his petition before the Clerk of the Superior Court of the county where such lands are situated praying for a cartway or cartways to be opened across such other person's land.

Laying out of cartways to standing timber across lands of others.

Failure of private negotiations.

Filing of petition before Clerk Superior Court.

SEC. 2. That upon the filing of said petition and the depositing of the sum of fifteen dollars to be applied upon the cost, the Clerk of the Superior Court shall issue an order command-

Deposit of \$15.

Service upon adverse parties.

ing the Sheriff to serve a copy of the petition upon the adverse parties requiring them to appear and show cause why a jury of three freeholders should not be appointed to view the lands and lay off a cartway or cartways, not less than fourteen feet wide, and to assess the damages the owner or owners of such land may sustain thereby, which damages shall be paid by the petitioner before the cartway or cartways are constructed.

Naming of jurors to view premises and assess damages.

SEC. 3. That if sufficient reason be shown for granting the cartway or cartways a jury of three freeholders, shall be appointed within five days after the granting of the petition as set forth in section two hereof for the purposes hereinbefore named; one of said jury shall be appointed by the petitioner, one by the owner of the land, and one by the Clerk of the Superior Court. If one of the parties should fail to appoint a freeholder within five days after the Clerk of the Superior Court shall have made his decision, then the said Clerk shall appoint a free holder in lieu of such party. The damages assessed by the jury must be at least twice the value of the land actually covered by the cartway or cartways.

Minimum damages.

Secondary cartways in unusual territory.

SEC. 4. That if it shall appear that the standing timber is located upon lands traversed by hills, mountains or ridges and that it would be expensive and impracticable to move the logs over such hills, mountains or ridges, then, in such event, secondary cartways, fourteen feet in width, connecting the hollows or basins between said hills, mountains or ridges with the primary cartways shall be laid off where such appear necessary, reasonable and just.

Erection of gates for protection of cattle.

SEC. 5. That if the cartway or cartways so laid off across any pasture lands of another the petitioner shall erect and maintain gates at the points where said cartway enters and leaves the pasture lands or any fenced portion thereof and the petitioner and others using said cartway shall be required to open and close said gates.

Cartways to be kept open.

SEC. 6. That the cartways established under this act shall be kept open in accordance with the provisions of section three thousand eight hundred and thirty-seven of the Consolidated Statutes or until the operation of removing the timber and the lumber manufactured therefrom is completed; all persons and vehicles shall have free passage thereover. The petitioner and others who use the cartway may from time to time grade and repair said cartway as they may desire without doing any injury to the adjoining land.

Free passage.

Repair of.

Payment of damages and juror fees authorizes entry.

SEC. 7. That upon the payment of the damages assessed by the jury, together with the cost of the proceedings, including a fee of five dollars for each juror, the petitioner may enter the lands and construct the cartway or cartways laid off by the jury.

SEC. 8. That either party may appeal from the decision of the jury to the Superior Court; but the pending of an appeal shall not prevent the construction and use of the cartway or cartways in the event the petitioner pays into the office of the Clerk of the Superior Court the damages assessed and the costs to the time the appeal is taken.

Appeal to Superior Court not to delay construction.

SEC. 9. That this act shall apply only to the counties of Catawba, Caldwell, Burke and Lincoln.

Applicable only to Catawba, Caldwell, Burke and Lincoln Counties. Conflicting laws repealed.

SEC. 10. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 11. That this act shall be in full force and effect from and after its ratification.

Ratified this the 23rd day of March, A.D., 1931.

CHAPTER 314

AN ACT TO PUT THE SOLICITOR OF NASH COUNTY ON SALARY.

The General Assembly of North Carolina do enact:

SECTION 1. That section twenty-four, chapter one hundred and seventy-six, of the Public-Local Laws of one thousand nine hundred eleven, as amended by chapter one hundred and eighty, of the Public-Local Laws, Extra Session of one thousand nine hundred and twenty-one, be and the same is hereby amended by striking out the sentence in section twenty-four, lines twenty-seven to thirty-two, "Said prosecuting attorney shall be allowed the same fees as are allowed solicitors and the same shall be collected under the same rules as the solicitor's fees are collected in the Superior Court of Nash County; but no fees shall be taxed for said prosecuting attorney for cases in which the said recorder acts only committing magistrate," and inserting in lieu thereof, "Said prosecuting attorney shall be paid a salary to be fixed by the Board of Commissioners of Nash County at the same amount paid the Recorder of said court; that is, the salaries of the Recorder and Prosecuting Attorney shall at all times hereafter be the same, and said salary shall be paid out of the county fund upon such vouchers as are now required for the payment of county bills."

Ch. 176. Public-Local Laws 1911; and ch. 180. Public-Local Laws ex-1921, amended.

Solicitor of Nash County Recorder's Court placed on salary.

SEC. 2. That the Clerk of the Superior Court of Nash County shall, in computing all bills of cost in criminal cases where the solicitor has heretofore received a fee, tax in the bill of costs the same fees now allowed to the solicitor, which shall be collected by the Clerk and paid into the county fund: *Provided*, that no such fees which are now required by law to be paid by the County shall be taxed in said bill of costs, nor shall any such fees be taxed in the bill of costs in cases where the defend-

Salary fees collected in Court and paid into county fund.

County not chargeable with fees.

Conflicting laws repealed.

Effective April 1, 1931.

ants are assigned to work on the public roads of Nash County.

SEC. 3. That all laws and clauses of law in conflict with this act are hereby repealed.

SEC. 4. That this act shall be in force from and after April first, one thousand nine hundred and thirty-one.

Ratified this the 24th day of March, A.D., 1931.

CHAPTER 315

AN ACT TO FIX THE SALARIES OF CERTAIN OFFICERS OF NASH COUNTY, AND EMPOWERING THE COUNTY COMMISSIONERS OF NASH COUNTY TO FIX THE SALARIES OF ALL OTHER COUNTY OFFICERS.

The General Assembly of North Carolina do enact:

Reduction by 10 per cent of salaries of Nash County officers.

SECTION 1. That from and after April first, one thousand nine hundred thirty-one, the Commissioners of Nash County, in their discretion, shall have the power and authority to reduce the salaries of the Clerk of the Superior Court, the Register of Deeds and the Sheriff of Nash County, ten per cent or less.

Treasurer abolished.

SEC. 2. That the Board of County Commissioners are hereby authorized and empowered, by Resolution duly adopted, to abolish the office of Treasurer of Nash County.

Salaries of clerks and deputies to be fixed.

SEC. 3. That the salaries of the County Officers named above, with such reductions or decreases, if any, as above provided, are in lieu of all other salaries heretofore fixed by Special Acts of the General Assembly and amendments thereto, except that said salaries are not to include salaries to be paid to assistants, deputies and clerks of said officers. Each of the County Officers of Nash County, above named, shall appoint such assistants, deputies and clerks as may be necessary to perform the duties of said office, subject to and with the approval of the Board of County Commissioners of Nash County.

Salaries of other county officers to be fixed.

SEC. 4. That the Board of Commissioners of Nash County are hereby authorized, empowered and directed to fix the salaries, and provide for their payment out of the county funds, of all other county officers elected by vote of the people of Nash County or appointed by the Board of Commissioners of Nash County, and the salaries of all clerks, assistants and deputies of county officers, except as herein provided.

Establishment of office of Tax Collector authorized.

SEC. 5. That the Board of Commissioners of Nash County may, at any time hereafter, by resolution duly adopted and spread upon the minutes of the Board, separate the office of sheriff and tax collector of the County, and appoint a tax collector for the county of Nash who shall have the same rights and powers and be subject to the same laws in the collection of taxes as now apply to the sheriff in the collection of taxes.

The Board of Commissioners may also appoint as many deputy township tax collectors to serve under the county tax collector as it may deem necessary for the prompt collection of all taxes. The Board of Commissioners shall have complete control over the tax collector and his deputies, with power to discharge without notice, shall fix their compensation and provide for its payment out of the general county funds, but said compensation shall not exceed the amount of commissions received by the county from the collection of said taxes. The said tax collector and his deputies shall be required to give bonds to be fixed by the Board of Commissioners and the premiums on such bonds shall be paid by the county out of the general funds. In the event the office of sheriff and tax collector are separated as herein provided for and it is found that the income of the office does not amount to as much as the salary of the sheriff and his deputies, then being paid them, the salary of the sheriff and his deputies shall be reduced to an amount to be fixed by the Board of Commissioners, not to exceed the income derived from said office by the county.

Deputy collectors.

Compensation.

Bonds.

Salaries for tax collections not to exceed income of office.

Necessary expenses allowed.

Conflicting laws repealed.

Effective April 1, 1931.

SEC. 6. That the Board of Commissioners of Nash County are authorized, in their discretion, to pay (a) all necessary office equipment and expenses of the different offices of Nash County, including premiums on official bonds: *Provided*, the same shall in no case exceed the profits derived from said office.

SEC. 7. That all laws and clauses of law in conflict with any of the provisions of this act are hereby repealed.

SEC. 8. That this act shall be in force from and after April first, one thousand nine hundred and thirty-one.

Ratified this the 24th day of March, A.D., 1931.

CHAPTER 316

AN ACT TO ALLOW THE BOARD OF EDUCATION OF WILKES COUNTY TO PAY MISS NINA DANCY SALARY DUE HER.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Education of Wilkes County be, and it is hereby empowered and directed to pay Miss Nina Dancy, the sum of forty-five (\$45.00) dollars, being her salary for one month as teacher at Harmon School, District number eight, Union Township, Wilkes County.

Salary of Miss Nina Dancy, Wilkes County school teacher, ordered paid.

SEC. 2. That this act shall be in force and effect from and after its ratification.

Ratified this the 24th day of March, A.D., 1931.

CHAPTER 317

AN ACT TO MAKE IT UNLAWFUL TO OPERATE A FILLING STATION IN WILKES COUNTY AND STOKES COUNTY ON SUNDAY BETWEEN THE HOURS OF TEN A. M. AND TWELVE P. M.

The General Assembly of North Carolina do enact:

Operation of filling stations on Sunday between certain hours prohibited in Wilkes and Stokes County. Made misdemeanor.

SECTION 1. That it shall be unlawful for any person, firm or corporation to operate any filling station on the Lord's Day, commonly called Sunday, between the hours of ten A. M., and twelve-thirty P. M. in Wilkes County and Stokes County.

SEC. 2. That the operation of any filling station during the hours herein mentioned in violation of this act, shall constitute a misdemeanor and each and every act shall constitute a new and separate offense.

Punishment.

SEC. 3. That any person, firm or corporation violating the provisions of this act shall upon conviction thereof be fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

Effective April 1, 1931.

SEC. 4. That this act shall be in force from and after the first day of April, nineteen hundred and thirty-one.

Ratified this the 25th day of March, A.D., 1931.

CHAPTER 318

AN ACT FOR THE RELIEF OF IREDELL-ROWAN COUNTY DRAINAGE DISTRICT NUMBER ONE.

The General Assembly of North Carolina do enact:

Preamble: Organization of Iredell-Rowan Drainage District No. 1.

Whereas, The Iredell-Rowan County Drainage District Number One (1) has been duly organized, in accordance with the provisions of the statute, Article five, Chapter ninety-four of the Consolidated Statutes of one thousand nine hundred and nineteen, as amended, and

Whereas, The Drainage Commissioners have been duly elected and organized, under Article six of said Chapter as amended, and

Whereas, Assessments and a bond issue have been authorized, under Article eight of said chapter, as amended, and

Bond ordinance passed.

Whereas, In accordance with the provisions of said Article eight, and upon the authorization and approval of the State's Sinking Fund Commission as provided by law, a bond ordinance was passed authorizing the issue of Eighty-three Thousand Dollars (\$83,000.) of drainage bonds, and

Faulty advertisements for bids.

Whereas, In pursuance of said bond order and authorization of the State's Sinking Fund Commission, the Board of Drainage Commissioners duly advertised for sealed bids for said bonds,

which advertisement was made in accordance with the Drainage Act and, in this regard, in accordance with chapter two hundred and seventy-seven, Public Laws of one thousand nine hundred and twenty-nine, but said Board of Drainage Commissioners overlooked securing the approval of the Sinking Fund Commission upon the manner in which it advertised said bonds, under section three of said act of one thousand nine hundred and twenty-nine, and

Whereas, At the time fixed for the opening of bids no satisfactory bids were received, *Now, therefore*,

The General Assembly of North Carolina do enact:

SECTION 1. That said advertisement, recited in the preamble of this bill, be and the same is hereby approved and validated, notwithstanding anything contained in said chapter two hundred and seventy-seven of the Public Laws of one thousand nine hundred and twenty-nine, or the bill enacted into law at the present session of the Legislature, commonly known as the "Local Government Commission Act."

Advertisement validated.

SEC. 2. That the Board of Drainage Commissioners of said Drainage District be, and it is, hereby authorized and empowered to proceed under section five thousand three hundred and fifty-seven of the Consolidated Statutes of one thousand nine hundred and nineteen and re-advertise said bonds for sale, or to sell said bonds at private sale; *Provided*, said sale is not for less than par. Said sale may be made at any time within two years from and after the ratification of this act. To this end, said Board is also authorized and empowered to amend its ordinance authorizing the issue and sale of said bonds, so as to postpone the date of issue and date of maturity to conform to such new date and dates as the Board may determine.

Re-advertisement ordered.

Private sale authorized.

SEC. 3. As necessary expenses have been incurred in the organization, surveying, laying out and establishing of said district, and the advertisement of the sale of said bonds, said Board of Drainage Commissioners, pending the sale of said bonds, is hereby authorized and empowered to ascertain the amount of such expenses and to collect from the land owners within the Drainage District by assessment in proportion to their classification as fixed and determined in the proceedings establishing said District and to collect the same and apply the proceeds to the discharge of said expenses.

Apportionment of necessary expenses.

SEC. 4. All laws and clauses of laws in conflict with this act are hereby repealed.

Conflicting laws repealed.

SEC. 5. This act shall take effect from and after its ratification.

Ratified this the 25th day of March, A.D., 1931.

CHAPTER 319

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF NASH COUNTY TO CLOSE THE SERVICE STATIONS AND STORES ON SUNDAY IN FERRELL'S TOWNSHIP, NASH COUNTY.

The General Assembly of North Carolina do enact:

Closing of service stations and stores on Sunday within certain territory in Nash County.

SECTION 1. That the Board of County Commissioners of Nash County be and they are hereby authorized and empowered, in their discretion, to close all service stations and stores during Church Services, on Sunday, within a radius of one mile from Rocky Cross Baptist Church and Samaria Baptist Church, in Ferrell's Township, Nash County.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 3. That this act shall be in full force and effect from and after its ratification.

Ratified this the 25th day of March, A.D., 1931.

CHAPTER 320

AN ACT TO PROTECT THE PUBLIC FROM FALSE ADVERTISEMENT AND FRAUDULENT SALES IN ROWAN COUNTY.

The General Assembly of North Carolina do enact:

Fire and bankrupt sales regulated in Rowan County.

SECTION 1. When any person, firm, or corporation shall purchase any stock, or part of stock of goods, wares and merchandise at a sale made by a trustee in bankruptcy, or at a sale made pursuant to an assignment for the benefit of creditors, or at a sale made by any insurance company, or insurance company adjuster, and shall offer the same for resale to the general public, either privately or at public auction, and shall advertise, represent, or promote such resale as a bankrupt, insolvent, reorganization, closing out, or fire-damage sale, every such person, firm, or corporation before offering to the public such goods, wares and merchandise, or any part thereof, shall first file with the Clerk of the Superior Court of the county where such sale is to be conducted and carried on a full, complete, and detailed itemized inventory of such stock of goods, wares and merchandise proposed to be sold, which said inventory shall be verified under oath by the true owner thereof; and it shall be unlawful for any person, firm, or corporation to co-mingle with, or replenish, or add to such stock of goods, wares and merchandise from any source whatsoever and to advertise or sell the same as a part of said bankrupt, insolvent, or fire-damaged merchandise.

Filing with Clerk Superior Court under oath inventory of stock.

Replenishment of stock prohibited.

SEC. 2. Nothing herein shall be construed as relieving any such person, firm, or corporation from securing and paying any license or privilege tax imposed by any municipality wherein said sale is conducted.

Usual taxes must be paid.

SEC. 3. If any person, firm, or corporation shall violate any of the provisions of this act they shall upon conviction be fined or imprisoned in the discretion of the court.

Violation of Act made misdemeanor.

SEC. 4. All laws and clauses of laws in conflict with this act are hereby repealed, and this act shall apply only to Rowan County.

Conflicting laws repealed.

SEC. 5. This act shall be in force from and after its ratification.

Ratified this the 26th day of March, A.D., 1931.

CHAPTER 321

AN ACT TO AMEND CHAPTER TWO HUNDRED THIRTY-ONE, PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED TWENTY-NINE, REDUCING THE COMPENSATION OF THE SHERIFF AND CREATING THE OFFICE OF TAX COLLECTOR OF ALEXANDER COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter two hundred thirty-one, Public-Local Laws of one thousand nine hundred twenty-nine, be and the same is hereby amended by substituting the words "two thousand five hundred" for the words "three thousand" in line five of section one thereof, and by substituting the word "fifty" for the words "one hundred" in line nine of said section.

Ch. 231, Public-Local Laws 1929, amended, reducing Sheriff's salary in Alexander County.

SEC. 2. That the board of county commissioners of Alexander County shall appoint some competent person as tax supervisor who shall be known as county tax supervisor and collector and upon whom shall be imposed all duties and powers now or which may hereafter be, by law, imposed and conferred upon tax supervisors. That the county tax supervisor and collector shall be paid a salary not to exceed a rate of one thousand five hundred (\$1,500) dollars per annum, payable in equal monthly installments out of the general fund of the county. He shall serve at the will of the board or until his successor is appointed and qualified. The tax supervisor and collector shall assume his duties as supervisor of the listing and assessing the property for taxes in the county immediately upon his appointment by the board. He shall list and assess all property for taxes in Taylorsville Township and shall have supervision of the preparation of the tax books of the county for the levy of one thousand nine hundred thirty-one, and thereafter. After he has qualified, as hereinafter provided, he shall receive the tax books of the levy of the year one thousand nine hundred thirty-one, and all duties

Tax Supervisor and Collector authorized.

Duties and powers.

Salary, \$1,500.

To collect 1931 taxes.

Bond. and powers now or hereafter provided by law and relating to collection of taxes shall then be imposed and conferred upon him. The board of county commissioners shall require the tax supervisor and collector to furnish good and sufficient bond for the faithful performance of his duties; the amount of said bond to be fixed by the board. Before receiving the tax books or collecting the taxes of any year, the county tax supervisor and collector shall qualify by (a) furnishing such bond as provided herein and by (b) making a full and complete settlement as required by general law of the taxes of the previous year.

Necessary expenses allowed. SEC. 3. That such necessary expense and clerical assistance shall be paid out of the general fund of the county upon approval of the board of county commissioners.

Sheriff relieved of tax collection upon settling for 1930. SEC. 4. After making a full and complete settlement of the taxes of the levy of one thousand nine hundred thirty, the sheriff of Alexander County shall be relieved of all duties and powers relating to the collection of taxes.

Conflicting laws repealed. SEC. 5. That all laws and clauses of laws in conflict with the provisions of this act shall be and the same are hereby repealed.

SEC. 6. That this act shall be in force and effect from and after its ratification.

Ratified this the 26th day of March, A.D., 1931.

CHAPTER 322

AN ACT TO CREATE A BOARD OF HEALTH FOR MADISON COUNTY AND NAME THE MEMBERS AND PROVIDE THEIR DUTIES.

The General Assembly of North Carolina do enact:

Appointment of County Board of Health for Madison County. Term of office. SECTION 1. That a County Board of Health for the County of Madison is hereby created, the members of which are Chan Baldwin, designated as chairman, A. Z. Whitt, and K. B. Murray; and they shall hold office and serve for a term of four years from the date of ratification of this act and until their successors are appointed and qualified: *Provided*, that if either should fail to qualify or serve the remaining members shall elect his successor.

Compensation and mileage. SEC. 2. That the members of the Board of Health shall meet monthly in Marshall, North Carolina, and shall draw three dollars per day for only twelve days annually, and five cents per mile. That said Board shall inspect all county institutions monthly and see that they are kept sanitary.

Inspection duties. SEC. 3. The said members of the Board of Health shall meet on the first Monday in April, one thousand nine hundred and thirty-one, at the court house in Marshall and shall qualify by taking the oath of office and thereafter proceed to elect a county

Organization meeting.

Oath of office.

physician, who shall also serve as quarantine officer for one year, and draw a salary of nine hundred dollars per annum, to be paid out of the general county funds, for said services as county physician and quarantine officer. Said county physician, while acting as said county physician and quarantine officer, shall inspect the county court house, county jail and county home monthly and see that each is kept in a sanitary condition.

Election of county physician; salary.

Duties.

SEC. 4. The County Board of Health is empowered and directed and shall, upon a written recommendation of the State Board of Health, elect a regular licensed practising physician and a resident of Madison County to vaccinate against such diseases as the State Board of Health may designate. The State Board of Health shall name the salary to be paid for said vaccination, and the Board of County Commissioners for Madison County are directed and empowered and shall pay, from the general county funds, the amount so recommended by the County Board of Health of Madison County, and said recommendation shall conform with the recommendation made by the State Board of Health.

Selection of physician to vaccinate against diseases.

Compensation.

SEC. 5. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Conflicting laws repealed.

SEC. 6. That this act shall be in full force and effect from and after its ratification.

Ratified this the 27th day of March, A.D., 1931.

CHAPTER 323

AN ACT TO AMEND CHAPTER THREE HUNDRED AND TEN OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-ONE, RELATIVE TO THE BETTER ENFORCEMENT OF THE CRIMINAL LAWS IN LINCOLN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section one of chapter three hundred and ten of the Public-Local Laws of one thousand nine hundred and twenty-one, be and the same is hereby amended by striking out the words "At the request and upon the recommendation of the Sheriff", together with the commas therein following the word "empowered" and the word "sheriff" in lines four and five thereof.

Ch. 310, Public-Local Laws 1921, amended.

SEC. 2. That section two of chapter three hundred and ten of the Public-Local Laws be and the same is hereby amended by adding thereto, between the word "compensation" and the word "to" in line three thereof, the following words "In addition to the fees allowed by law."

Law again amended.

Fees for law enforcement.

Law again amended.

Officers on fixed salary not to receive fees.

Conflicting laws repealed.

SEC. 3. That section three of chapter three hundred and ten of Public-Local Laws of one thousand nine hundred and twenty-one, be amended by striking out the words "if said officer or officers or any of them are compensated for the performance of their official duties by a fixed salary, then the amount due such officer shall be paid to the Treasurer of Lincoln County and by him credited to the Salary Fund now required to be kept."

SEC. 4. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 5. That this act shall be in force and effect from and after its ratification.

Ratified this the 27th day of March, A.D., 1931.

CHAPTER 324

AN ACT TO CONSOLIDATE ALL TAX RECORDS OF HENDERSON COUNTY AND TO PROVIDE FOR THE COLLECTION OF ALL BACK TAXES BY THE REGULAR TAX COLLECTOR OF HENDERSON COUNTY.

The General Assembly of North Carolina do enact:

Consolidation of tax records in Henderson County.

Tax Collector to collect all back taxes.

General law applicable to collection of certificates of tax sales.

Assistant to Tax Collector authorized.

Salary or commission.

SECTION 1. That from and after the first day of July, nineteen hundred and thirty-one, all tax records of Henderson County, including certificates of tax sales, shall be kept in the office of the regular tax collector of Henderson County, and it shall be the duty of the tax collector to collect all back taxes, as well as current taxes due the County of Henderson, and it shall be unlawful for the commissioners of Henderson County to place any back tax lists, or certificate of tax sales in the hands of any other person for collection and it shall be the duty of said commissioners to see that all back tax lists and certificates of sale in the possession of any other person are turned over to the regular tax collector of Henderson County on July first, nineteen hundred and thirty-one.

SEC. 2. That nothing herein contained shall be construed so as to interfere with the provision of the general laws of the State relative to the collection of certificates of tax sales.

SEC. 3. That the Commissioners of Henderson County may, in their discretion, employ an assistant to the tax collector of Henderson County to assist in the collection of said back taxes and certificates of sale, and may fix the salary of said assistant, but any assistant employed under this act shall not hold office any longer than the term of the regular tax collector and the allowance for said assistant shall be in addition to the allowance now made by law for the office of tax collector; *Provided*, that said assistant may be allowed a commission on collection instead of a regular salary.

SEC. 4. That any assistant employed under this act shall be required to give such bond as the commissioners may require for the faithful performance of his duties and for a true accounting of all taxes collected: *Provided*, that if a Surety Company Bond is required the county shall pay the premium.

Bond of assistant.

SEC. 5. That all laws and clauses of laws in conflict with this act are hereby repealed.

Conflicting laws repealed.

SEC. 6. That this act shall be in full force and effect from and after July first, nineteen hundred and thirty-one.

Effective July 1, 1931.

Ratified this the 27th day of March, A.D., 1931.

CHAPTER 325

AN ACT TO AMEND CHAPTER ONE HUNDRED AND EIGHTY-FOUR OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-SEVEN RELATING TO THE NOMINATION AND ELECTION OF THE COUNTY COMMISSIONERS IN PERQUIMANS COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter one hundred and eighty-four, Public-Local Laws of one thousand nine hundred and twenty-seven, be amended by striking out the word "Perquimans" wherever it occurs in said act.

Ch. 184, Public-Local Laws 1927, amended, relative to election of Perquimans County Commissioners. Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 3. That this act shall be in full force and effect from and after its ratification.

Ratified this the 27th day of March, A.D., 1931.

CHAPTER 326

AN ACT TO INCORPORATE PLEASANT HILL BAPTIST CHURCH, UNION COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That Pleasant Hill Baptist Church in New Salem Township, Union County, be and the same is hereby incorporated under the name and style of the "Pleasant Hill Baptist Church" and under such name may acquire, hold, and convey real and personal property, sue and be sued, adopt a common seal, plead and be impleaded in any courts of the State.

Incorporation of Pleasant Hill Baptist Church, Union County.

SEC. 2. That any person found drunk or disorderly within two miles of the said church above incorporated shall be guilty of a misdemeanor and upon conviction shall be fined or imprisoned in the discretion of the court.

Drunkness within two miles made misdemeanor.

Operation of filling stations, stores, etc., on Sunday between certain hours prohibited.

Violation made misdemeanor.

Conflicting laws repealed.

SEC. 3. That it shall be unlawful for any person, firm or corporation to operate any filling station, store, cafe or other place of business within two miles of the above incorporated church on Sunday between the hours of ten A. M. and one P. M., and any person violating the provisions of this act shall be guilty of a misdemeanor and upon conviction shall be fined or imprisoned in the discretion of the court.

SEC. 4. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 5. That this act shall be in full force and effect from and after its ratification.

Ratified this the 27th day of March, A.D., 1931.

CHAPTER 327

AN ACT TO REPEAL CHAPTER FIVE HUNDRED ELEVEN PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-FIVE AND ALL AMENDMENTS THERETO AND ALL OTHER ACTS IMPOSING OR AUTHORIZING ANY ASSESSMENT OR COLLECTION OF ANY TAXES FOR ROAD MAINTENANCE IN ANSON COUNTY.

The General Assembly of North Carolina do enact:

Ch. 511, Public-Local Laws 1925; and ch. 400, Public-Local Laws 1929, repealed, abolishing road taxes in Anson County.

SECTION 1. That chapter five hundred eleven Public-Local Laws of one thousand nine hundred and twenty-five as amended by chapter four hundred Public-Local Laws of one thousand nine hundred and twenty-nine, and any and all other laws or sections of laws, Public or Public-Local, authorizing and empowering and/or directing the levy or collection of any taxes for the maintenance of public roads in Anson County, be, and they are hereby repealed.

Effective June 30, 1931.

SEC. 2. This act shall be in full force and effect from and after June thirty, one thousand nine hundred thirty-one.

Ratified this the 27th day of March, A.D., 1931.

CHAPTER 328

AN ACT TO PERMIT HALIFAX COUNTY TO USE UNEXPENDED FUNDS DERIVED FROM A BOND ISSUE TO RETIRE MATURING BONDS OF SAID COUNTY.

Preamble: 1925 road bond issue in Halifax County.

Whereas, on August first, one thousand nine hundred and twenty-five, under section three thousand seven hundred and sixty-eight et seq, of the Consolidated Statutes of North Carolina, Halifax County issued and sold bonds for the purpose of building roads and bridges in said county amounting to five hundred thousand dollars, maturing on August first, one thousand nine hundred and forty, and bearing interest at the rate of four and three-fourths per cent. per annum; and

Whereas, Halifax County did not use all of said funds for road and bridge purposes, but now has on hand of said issue three hundred thousand dollars which sum is not needed for road and bridge construction; and

Balance of proceeds on hand.

Whereas, Halifax County desires to use said funds for the purpose of retiring bonds of other issues as they mature; Now therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That Halifax County be and it is hereby authorized to use any or all of the three hundred thousand dollars now on hand derived as set out in the preamble of this act for the purpose of retiring maturing bonds of said County as and when they may become due.

Balance to be used for retiring maturing bonds.

SEC. 2. That all laws conflicting herewith be and the same are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this act shall be in force from and after its passage.

Ratified this the 27th day of March, A.D., 1931.

CHAPTER 329

AN ACT TO AMEND CHAPTER ONE HUNDRED TWENTY-FIVE, PUBLIC-LOCAL LAWS, EXTRA SESSION ONE THOUSAND NINE HUNDRED TWENTY-ONE, RELATING TO THE PROTECTION OF PLATS OR MAPS FILED IN THE OFFICE OF THE REGISTER OF DEEDS OF DAVIDSON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That sections one and four of chapter one hundred and twenty-five of the Public-Local Laws, Extra Session, one thousand nine hundred and twenty-one, be and the same are hereby amended by striking out the word "twenty" in line six of section one and in line five of section four and inserting in lieu thereof the word "nineteen".

Ch. 125, Public-Local Laws ex-1921, amended.

SEC. 2. That chapter one hundred and twenty-five, Extra Session, one thousand nine hundred and twenty-one, be and the same is hereby amended by adding at the end thereof the following new sections:

Law again amended.

"SEC. 4. (a). That the Register of Deeds shall receive for recording tracings the sum of one dollar and fifty cents (\$1.50) for each plat so recorded.

Fees of Davidson County Register of Deeds for recording maps.

"SEC. 4. (b). That the county commissioners of Davidson County shall have Plat Book Number one, Number two and Number three, made up of black line linen or cloth maps, nineteen by twenty-four inches, which shall be placed in three plat

Specifications for map books.

books to correspond with the present ones in the numbering and page number on which the present plats or maps are filed.

Map books to be reprinted from tracings.

“SEC. 4. (c). That as each book of maps or plats is completed, the county commissioners shall cause said book to be printed from the tracings, the said prints of such maps or plats to become the permanent record of the County, said tracings to be filed away for future reference, but not to be kept in the active records of the office of the Register of Deeds.”

Original maps filed away.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Conflicting laws repealed.

SEC. 4. That this act shall be in full force and effect from and after its ratification.

Ratified this the 27th day of March, A.D., 1931.

CHAPTER 330

AN ACT TO PROVIDE FOR REGISTERING CERTAIN CHATTEL MORTGAGES AND CONDITIONAL SALE AGREEMENTS IN NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Duplicate originals of chattel mortgages and conditional sale certificates may be recorded.

SECTION 1. That it shall be lawful for the holder or the assignee of conditional sale agreements or chattel mortgages to file duplicate originals of the same in the office of the Register of Deeds, as now provided by law for the filing of such papers in said office. Thereupon the Register of Deeds shall file one of said original instruments by permanently attaching or affixing the same within a cover or bound volume similar to the other books kept in said office, or in an envelope or folder bearing a serial number, and such filing shall be a recording of the said instrument in said office to all intents and purposes as fully as if the same had been copied therein in the manner in which such instruments are usually recorded. It shall be the duty of the Register of Deeds to index said instruments and give it a page and volume number, or serial number on the index in the same manner as other instruments are indexed. When one of the said instruments is so filed and indexed, the other of the duplicate originals thereof may be returned to the owner or assignee thereof, endorsed with the book number and page number, or serial number, where the other instrument is to be found, and with the Register's certificate that said instrument is duly recorded.

Method of recording.

Indexing.

Owner retains one original.

Specifications for instruments.

SEC. 2. Conditional sale agreements and chattel mortgages filed for registration in the manner provided in the preceding section shall be upon a paper of the size eight and one-half (8½) inches by eleven (11) inches and of at least twenty (20)

pound weight, and such paper shall be of a quality approved by the Register of Deeds and printed under his direction if same is to be placed in a cover or bound volume. The Register of Deeds may in his discretion refuse papers for filing in the aforementioned cover or bound volume, or in an envelope or folder bearing a serial number. In case of such refusal said instruments shall be copied on the records in the manner now provided by law. Such filing shall be used only for conditional sale agreements or mortgages of personal property.

Register of Deeds may refuse to record.

SEC. 3. The fees for probating the instruments above provided shall be as follows: For chattel mortgages, crop liens, and furniture leases the probate fee shall be ten cents (10c) for the first duplicate original and five cents (5c) for the second duplicate original, and the filing, registering and indexing fees shall be fifteen cents (15c), or a total of thirty cents (30c). "Chattel mortgages" referred to above in this paragraph has reference only to the form on which the Statutes provide for a fee of thirty cents (30c). For all conditional sale agreements and contracts other than above mentioned the probate fee shall be ten cents (10c) for each of the duplicate originals, and the filing, registering and indexing fees shall be fifty cents (50c), or a total of seventy cents (70c).

Fees for probating chattel mortgages, etc.

Registering.

"Chattel mortgages" defined.

Fees for other such contracts.

SEC. 4. Cancellation of mortgages recorded under this act may be made as now provided by law and also upon exhibition of the duplicate original, with the bond or note, to the Register of Deeds or his Deputy, where same is registered, with the endorsement of payment and satisfaction appearing thereon by the payee, mortgagee, trustee, or assignee of the same, or by any chartered active banking institution in the State of North Carolina, when so endorsed in the name of the bank by an officer thereof. Upon such exhibition the Register of Deeds or his Deputy shall cancel the mortgage or conditional sale agreement by entry of "satisfaction" on the margin of the record; and the person so claiming to have satisfied the debt may retain possession of the duplicate original of the mortgage or conditional sale agreement and the notes or bonds mentioned therein. But if the Register of Deeds or his Deputy requires it, he shall file a receipt to his showing by whose authority the mortgage or conditional sale agreement was cancelled.

Method of cancellation.

Cancellation by Register of Deeds.

SEC. 5. This act is an enabling act, shall constitute an alternative method of recording chattel mortgages and conditional sales and shall apply to Mecklenburg County only.

Applicable only to Mecklenburg County.

SEC. 6. This act after its ratification shall be in force and effect from and after January first, nineteen hundred and thirty-two.

Effective January 1, 1932.

Ratified this the 27th day of March, A.D., 1931.

CHAPTER 331

AN ACT APPROVING, CONFIRMING AND VALIDATING CERTAIN ACTS OF W. C. HARDIN, FORMER SHERIFF AND TAX COLLECTOR OF RUTHERFORD COUNTY, WITH RESPECT TO DEPOSIT OF FUNDS BY HIM IN RUTHERFORD COUNTY BANK & TRUST COMPANY, DESIGNATED COUNTY DEPOSITORY.

Preamble: Failure of Rutherford County depository.

Whereas, about the month of March, one thousand nine hundred twenty-nine, the Rutherford County Bank and Trust Company, a banking institution with its principal office at Rutherfordton, was designated by the board of commissioners of Rutherford County as a depository for county funds, and thereafter, a proportionate part of the funds of Rutherford County was deposited in said bank by the officials of said county; and

Deposit of W. C. Hardin, Sheriff and Tax Collector, involved.

Whereas, W. C. Hardin, the then duly elected sheriff and tax collector for Rutherford County, used the said duly designated depository to deposit taxes collected by him by virtue of his said office, always depositing said funds in said designated depository to the credit of Rutherford County or to the treasurer thereof, or in an account in said bank designated "W. C. Hardin, Sheriff, one thousand nine hundred twenty-nine Tax", the said deposits being kept separate and apart from his own personal account; and

Hardin's office checked daily.

Whereas, the said tax collector's office was daily, or almost daily, checked by the county accountant of Rutherford County and upon the completion of such check, the taxes and funds so deposited by said sheriff and tax collector in the account designated "W. C. Hardin, Sheriff, one thousand nine hundred twenty-nine Tax", were transferred to the treasurer of Rutherford County by checks covering all tax moneys collected up to the time of such checking by the said county accountant, and

Depository account checked out to County Treasurer.

Whereas, on January twenty-eighth, one thousand nine hundred thirty, the office of said tax collector was duly checked and the amount in hand and to the credit of said account designated "W. C. Hardin, Sheriff, one thousand nine hundred twenty-nine Tax", to-wit: twenty-three thousand four hundred eight dollars and thirteen cents, (\$23,408.13) was paid and turned over to the treasurer of said county by a check of that date, and on January thirty-first, one thousand nine hundred thirty, other funds, amounting to sixty-nine thousand two hundred twenty-one dollars and seventy-one cents, (\$69,221.71) were transferred and paid over by said tax collector to said treasurer in the manner as above set out and in accordance with the checking of said account by the county accountant; and

Failure of check to clear.

Whereas, the latter check cleared the bank and the funds were credited to the account of the treasurer of Rutherford County,

but the check dated January twenty-eighth, one thousand nine hundred thirty, for twenty-three thousand four hundred eight dollars and thirteen cents (\$23,408.13) failed to clear by reason of the fact that there was a failure of the said Rutherford County Bank and Trust Company and also of the Farmers Bank and Trust Company of Forest City, in which latter bank said check for twenty-three thousand four hundred eight dollars and thirteen cents (\$23,408.13) was deposited for the purpose of making a proportionate division and deposit of county funds between the said two banks, both of said banks being designated depositories for the funds of Rutherford County; and

Whereas, in addition, there remained on deposit in said Rutherford County Bank and Trust Company on February fourth, one thousand nine hundred thirty, of taxes and funds collected by the said W. C. Hardin, sheriff, between the dates of January thirty-first, one thousand nine hundred thirty, and February fourth, one thousand nine hundred thirty, and which were on deposit in said bank in the account designated "W. C. Hardin, Sheriff, one thousand nine hundred twenty-nine Tax", so that the total amount of tax money in the Rutherford County Bank and Trust Company to the credit of said account was at the time of the failure of said two banks, and still is, the sum of twenty-eight thousand seven hundred seventy-four dollars and ninety cents (\$28,774.90); and

Whereas, by reason of said acts and things, and the failure of both of said banks, the Rutherford County Bank and Trust Company of Rutherfordton and the Farmers Bank and Trust Company of Forest City, both being designated depositories of Rutherford County, the result with respect to the said funds would have been the same whether deposited in the one bank or the other; and

Whereas, in all of said transactions the said W. C. Hardin, former sheriff and tax collector of Rutherford County, acted in good faith and in conformity with the course and practice with respect to the deposit and handling of the taxes and funds of Rutherford County as had been established and pursued for several years, the said practice having been adopted and followed for the purpose of providing and keeping a double check on the two accounts of said sheriff and tax collector on the one part and of the treasurer of said county on the other, Now therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That the acts of the said W. C. Hardin, former sheriff and tax collector of Rutherford County, as hereinbefore set out and described with respect to the taxes, funds and moneys of Rutherford County received by him, in depositing the said taxes, moneys and funds in the Rutherford County Bank

Good faith of
Hardin acknowl-
edged.

Acts of Hardin
validated.

and Trust Company, designated depository for Rutherford County, to the credit of said county, the treasurer thereof, and/or in the account designated "W. C. Hardin, Sheriff, one thousand nine hundred twenty-nine Tax", in relation to all of the taxes, moneys and funds so deposited by him, including the said sum of twenty-eight thousand seven hundred seventy-four dollars and ninety cents (\$28,774.90) deposited in the account designated "W. C. Hardin, Sheriff, one thousand nine hundred twenty-nine Tax", be, and they are hereby approved, confirmed and validated and declared to have been to all intents and purposes proper and legal deposit and handling of said taxes, moneys and funds by him as such sheriff and tax collector of the County of Rutherford, and a full and sufficient discharge and release of him of all liability with respect to the deposit and handling of said taxes, moneys and funds: *Provided, however*, that the said W. C. Hardin, former sheriff and tax collector, shall execute such instrument or instruments as may be acceptable to and approved by the board of commissioners of Rutherford County, transferring and assigning to said Rutherford County and its board of commissioners the said account so carried by him and designated "W. C. Hardin, Sheriff, one thousand nine hundred twenty-nine Tax", with all rights in and to the same, assuring and transferring to Rutherford County and its board of commissioners any dividend or distribution of assets that may hereafter be made by the Corporation Commission, through its liquidating agent or agents, of Rutherford County Bank and Trust Company of Rutherfordton and of the Farmers Bank and Trust Company of Forest City: *Provided*, that this act shall not be effective until approved by resolutions of the board of commissioners of Rutherford County; and the said board of commissioners of Rutherford County are hereby authorized and empowered in their discretion to make effective the provisions of this act by resolutions duly approved by the majority of said board.

SEC. 2. This act shall be in force and effect from and after its ratification.

Ratified this the 27th day of March, A.D., 1931.

CHAPTER 332

AN ACT TO FIX SALARY AND FEES FOR THE SHERIFF OF POLK COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the sheriff of Polk County shall receive a salary of two thousand dollars (\$2,000.00) per annum for his term of office from the first Monday of December, one thousand nine hundred thirty, to the first Monday of December, one thou-

Relieved of personal liability.

Dividends to accrue to County.

Act to be approved by County Commissioners before becoming effective.

Salary of Polk County Sheriff \$2,000 per annum till December 1932.

sand nine hundred thirty-two, and from and after the expiration of said term he or his successor in office as sheriff and tax collector, the offices of sheriff and tax collector having been consolidated by an act entitled "An Act to Abolish the Office of Tax Collector of Polk County and Place the Duty of Collecting Taxes in the Hands of the Sheriff", as will appear in the Public-Local Laws of one thousand nine hundred thirty-one, shall receive a salary of five hundred dollars (\$500.00) per annum, which shall be in lieu of and a substitute for the salary first above named, which salaries shall be paid out of the General County Funds in twelve equal installments.

Salary thereafter.
\$500.

SEC. 2. That in addition to such salaries the sheriff shall receive fees according to the schedule in chapter two hundred and forty-five (245) of the Public-Local Laws of one thousand nine hundred and twenty-five (1925), entitled an act to regulate the fees to be charged by the sheriff of Polk County.

To be allowed fees
accruing to office.

SEC. 3. That as a special reward for diligence in the enforcement of the prohibition laws the sheriff or his deputies, or any other lawful officer of said county, charged with the enforcement of the criminal laws, who shall arrest and furnish evidence which shall convict any person or persons for the manufacture or sale of intoxicating liquors, shall receive a fee of twenty-five dollars.

Fees in matter
of prohibition en-
forcement.

For furnishing
evidence for con-
viction, \$25.

For having in possession for the purpose of sale, or for transporting such liquors in the quantity of one gallon or more, a fee of five dollars (\$5.00) to be taxed in the bill of cost against the person convicted; *Provided* that if any person so convicted shall for any reason fail to pay the cost and fees herein provided, said officers shall only be entitled to receive such fees as are fixed by the general statutes.

Possession, \$5
additional.

County not
chargeable with
costs.

SEC. 4. That when any officer shall capture any vehicle transporting in said county intoxicating liquors contrary to law and the said vehicle is forfeited and sold under provisions of the law, said officers shall be entitled to receive a fee of ten per cent of any sum derived from such sale, and the remainder shall be paid over to the proper authorities as required by law.

Capture of
vehicles transport-
ing, 10 per cent
of sale price.

SEC. 5. That this act shall be retroactive and have effect from and after the first Monday of December, one thousand nine hundred thirty.

Effective as of
December, 1930.

SEC. 6. That this act shall only apply to the county of Polk.

Conflicting laws
repealed.

SEC. 7. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 8. That this act shall be in full force and effect from and after its ratification.

Ratified this the 27th day of March, A.D., 1931.

CHAPTER 333

AN ACT TO APPOINT SUCCESSORS TO MEMBERS OF THE COUNTY BOARD OF ROAD COMMISSIONERS OF ASHE COUNTY.

The General Assembly of North Carolina do enact:

Appointment of Ashe County Road Commissioners to serve till State Road Law goes into effect.

SECTION 1. That under and by virtue of chapter two hundred and forty-seven of the Public-Local Laws of one thousand nine hundred and twenty-nine, the following named persons are hereby appointed members of the Board of Road Commissioners of Ashe County to serve until the State Road Law known as House Bill three hundred thirty-eight goes into effect beginning April first, one thousand nine hundred and thirty-one: Bryan Oliver to succeed Bryan Oliver; C. M. Yates to succeed R. L. Austin; B. H. Duncan to succeed Elder E. Davis or any successor of the said Elder E. Davis.

Names.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 3. That this act shall be in full force and effect from and after its ratification.

Ratified this the 30th day of March, A.D., 1931.

CHAPTER 334

AN ACT RELATING TO FORECLOSURES OF TAX CERTIFICATES OF HENDERSON COUNTY AND THE CITY OF HENDERSONVILLE FOR THE YEARS ONE THOUSAND NINE HUNDRED AND TWENTY-SIX, ONE THOUSAND NINE HUNDRED AND TWENTY-SEVEN AND ONE THOUSAND NINE HUNDRED AND TWENTY-EIGHT.

The General Assembly of North Carolina do enact:

Purchasers at tax sales in Henderson County take land subject to taxes and assessments due City of Hendersonville.

SECTION 1. That in all suits pending in the Superior Court of Henderson County for the foreclosure of tax certificates for the years one thousand nine hundred and twenty-six, one thousand nine hundred and twenty-seven, and one thousand nine hundred and twenty-eight taxes, where a final sale of any property has not been made, any purchaser at any sale under a county certificate shall take title subject to any tax due the city of Hendersonville for which any action is pending, and subject to any assessment due the city of Hendersonville for local improvements, and any purchaser at any final sale under any city of Hendersonville certificate for said years shall take title subject to any county tax for which suit is pending at the time.

Likewise as to City tax sales.

Service by publication in pending actions.

SEC. 2. That in any action now pending in the Superior Court of Henderson County for the foreclosure of any tax certificate of sale where summons has been issued but not served

as to all defendants, and where complaint has been filed, it shall be sufficient, if service of publication is completed on or before December first, one thousand nine hundred and thirty-one.

SEC. 3. That in all actions now pending in the Superior Court of Henderson County for the foreclosure of any tax certificate of sale, where publication has not been made, it shall be sufficient to consolidate all notices for city of Hendersonville foreclosures for a given year, and all notices for Henderson County for a given year, into one notice, *Provided* the name of the taxpayer, the amount of the unpaid tax, and a sufficient description of the land shall be included in said notice as to each action pending, said notice to contain all other requirements of the general law relative to the foreclosure of tax certificates, and proof of publication to be the same as now required by law.

SEC. 4. That this act shall not affect vested rights within the meaning of the Constitution of the United States.

SEC. 5. That all laws and clauses of laws in conflict with this act are hereby repealed, and no act of the present Assembly shall be construed to repeal this act unless the same be expressly referred to by title and number.

SEC. 6. That this act shall be in force and effect from and after its ratification.

Consolidation of notices in County and City tax sales.

Contents of notice.

Vested rights unaffected.

Conflicting laws repealed.

Ratified this the 30th day of March, A.D., 1931.

CHAPTER 335

AN ACT TO AMEND CHAPTER FIFTY-TWO OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED TWENTY-NINE, RELATING TO THE RECORDER'S COURT OF LEAKESVILLE TOWNSHIP, IN ROCKINGHAM COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section two of chapter fifty-two of the Public-Local Laws of one thousand nine hundred and twenty-nine be and the same is hereby amended by adding to said section the following:

"That the Recorder's Court of Leaksville township may have concurrent jurisdiction with the several Justices of the Peace of Rockingham County, and with the Superior Court of Rockingham County in all misdemeanors arising in said County; *Provided* any defendant may upon motion have the cases transferred to a proper venue and the Justices of the Peace of Rockingham County, except those located in Reidsville Township, may issue warrants returnable to Leaksville Township Recorder's Court; and the Justices of the Peace issuing such warrants returnable to said court shall receive the following fees, *Provided* the defendant pleads guilty or is convicted; for issuing warrants seventy-five cents, for taking

Ch. 52, Public-Local Laws 1929, amended.

Jurisdiction of Leaksville Township Recorder's Court.

J. P. warrants returnable.

Fees of J. P.'s for issuing warrants.

acknowledgment to bonds twenty-five cents; for each witness summoned fifteen cents."

Biennial appointment of Clerk of Recorder's Court.

SEC. 2. On the first Monday in May, nineteen hundred and thirty-one, and each odd year thereafter the County Commissioners of Rockingham County shall appoint a clerk for said Recorder's Court who shall begin his term of office on the first day of June thereafter and shall serve two years and until his successor is appointed and qualified. The clerk for his compensation shall receive as follows: one dollar (\$1.00) for all warrants issued within the jurisdiction of a Justice of the Peace, and two dollars (\$2.00) for all warrants issued in matters above the jurisdiction of a Justice of the Peace; one dollar (\$1.00) for all summons in civil actions and three dollars (\$3.00) in all attachments and claim and delivery.

Fees of Clerk.

Vacancy appointments.

If a vacancy occurs in the said clerk's office the unexpired term shall be filled by the said Board of County Commissioners.

Powers of Clerk enumerated.

The clerk shall have concurrent powers and authority with the several Justices of the Peace of Rockingham County to take affidavits to warrants and to issue warrants in all criminal matters originating in Rockingham County, and shall have power to affix the seal of the court to other writs and processes of the court and take appearance bonds of defendants in criminal actions, or witnesses therein, such amount or amounts as fixed by the court, and to fix the amount of all bonds in the absence of the Recorder, or when the Recorder fails to fix bond, and to issue all summons, ancillary remedies, and all other papers and processes in civil actions, that the Recorder or any Justice of the Peace in Rockingham County can issue.

Jury tax in criminal actions.

SEC. 3. In all criminal cases coming before the said Recorder's Court in Leakesville Township wherein the defendant is convicted or pleads guilty shall be added to the bill of costs the sum of fifty cents as a jury tax; all sums collected from this source shall be kept by the clerk in a special jury fund from which there be paid to each juror serving as such the sum of fifty cents.

Fees of jurors.

Drawing of jury.

That in all cases upon demand of the defendant in a criminal action, or upon motion of the Recorder, or upon demand of the plaintiff or defendant in a civil action, there shall be drawn from the jury box of Leakesville Township twelve names from which panel shall be chosen six jurors. Six jurors shall compose the jury when demanded in all criminal and civil cases within the Recorder's jurisdiction.

Six jurors to compose.

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 5. This act shall be in force and effect from and after its ratification.

Ratified this the 30th day of March, A.D., 1931.

CHAPTER 336

AN ACT AMENDING CHAPTERS TWO HUNDRED AND SIXTY-NINE AND THREE HUNDRED AND SEVENTY-FOUR OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND ELEVEN AND ONE THOUSAND NINE HUNDRED AND THIRTEEN RESPECTIVELY, RELATING TO THE RECORDER'S COURT OF JOHNSTON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That sections six and twelve of Chapter two hundred and sixty-nine, Public-Local Laws of one thousand nine hundred and eleven, and section five of the Public-Local Laws of one thousand nine hundred and thirteen, relating to the Recorder's Court of Johnston County, be and the same are hereby amended as follows:

Recorder's Court
Acts of Johnston
County amended.

SEC. 2. That the words "five hundred" immediately following the word "of" in line seven of section twelve of Chapter two hundred and sixty-nine, Public-Local Laws of one thousand nine hundred and eleven, be and the same are hereby stricken out, and the words "one thousand" inserted in lieu thereof; and the word "two" immediately following the word "exceed" in line nine of Section twelve, of Chapter two hundred and sixty-nine, Public-Local Laws of one thousand nine hundred and eleven, be and the same is hereby stricken out and the word "four" inserted in lieu thereof.

Ch. 269, Public-
Local Laws 1911,
amended, as to
salaries.

SEC. 3. That the words "five hundred" immediately following the word "exceed" in line five of section five, Chapter three hundred and seventy-four, Public-Local Laws of one thousand nine hundred and thirteen, be and the same are hereby stricken out, and the words "one thousand" inserted in lieu thereof.

Ch. 374, Public-
Local Laws 1913,
amended, as to
salaries.

SEC. 4. That section sixteen of Chapter two hundred and sixty-nine, Public-Local Laws of one thousand nine hundred and eleven, be amended by striking out the word "ten" in line two and inserting the words "nine-thirty", and by adding at the end of said section the following:

1911 law again
amended.

"That the Recorder's Court shall convene for the trial of civil cases and such other business as may properly come before it, at least four days each month, when there are any cases or other court business on the Docket ready for trial or decision; two of which days shall be devoted to matters pending in District Number one as hereinafter set out and two of which days shall be devoted to matters pending in District Number two as hereinafter set out; that the Recorder shall have the right to fix the day and give notice thereof on which civil cases, motions or other matters may be tried or heard, as the case may be."

Terms of Court.

SEC. 5. That Chapter two hundred and sixty-nine, Public-Local Laws of one thousand nine hundred and eleven, be further

Right of Recorder
to fix dates.

1911 law again
amended.

amended by inserting a new section between section sixteen and seventeen, to read as follows:

Territorial jurisdiction divided into two districts.
District No. 1.

"SEC. 16½. That the territorial jurisdiction of the Recorder's Court of Johnston County is hereby divided into two districts for the trial of criminal cases, as follows: District Number one, embracing Pleasant Grove, Elevation, Banner, Meadow, Ingrams, Bentonsville, Boon Hill and Smithfield Townships, to be heard by the Court at the County Seat each Tuesday at nine-thirty o'clock; District Number two, embracing Cleveland, Clayton, Wilson Mills, Wilders, O'Neal, Beulah, Micro, Pine Level and Selma Townships, to be heard at the County Seat on each Wednesday morning beginning at nine-thirty o'clock."

District No. 2.

1911 law again amended.

SEC. 6. That section eight, Chapter two hundred and sixty-nine of the Public-Local Laws of nineteen hundred and eleven, be and the same is hereby amended by striking out the "period" at the end of line eleven in said section and inserting in lieu thereof a "semicolon", and by adding after the semicolon the following: "Provided, that in any cause of action instituted in a court of the Justice of the Peace under Article three, Chapter forty-six, Consolidated Statutes, the said Justice of the Peace shall not remove said cause to the Recorder's Court of Johnston upon written request of the defendant, until the defendant shall have first given a good and sufficient undertaking approved by said justice in an amount not less than one year's rent of the premises, with sufficient surety, who shall justify and be approved by said justice, to be void if the defendant pays any judgment which in that or any other action the plaintiff may recover for rent, and for damages for the detention of the land."

Removal of certain cases from J. P. to Recorder's Court.

Bond to be given.

Conflicting laws repealed.

SEC. 7. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 8. That this act shall be in full force and effect from and after its ratification.

Ratified this the 30th day of March, A.D., 1931.

CHAPTER 337

AN ACT RELATIVE TO APPOINTMENT OF AN ASSISTANT CLERK AND DEPUTY CLERKS OF THE SUPERIOR COURT OF DURHAM COUNTY.

The General Assembly of North Carolina do enact:

Appointment of deputies and assistants to Durham County Superior Court Clerk.

SECTION 1. The Board of County Commissioners of the County of Durham are hereby directed, authorized and empowered to direct, authorize and empower the clerk of the Superior Court of Durham County to appoint such additional deputy or deputies, clerical assistant or clerical assistants as in the discretion of the said Board may be necessary in said office.

Compensation.

SEC. 2. The Board of County Commissioners of Durham County are further authorized, directed and empowered to pre-

scribe the compensation of such deputy or deputies, clerical assistant or assistants, as the clerk may appoint pursuant to the authorities herein given.

SEC. 3. The Board of County Commissioners of Durham County are directed to make a survey of the work in the office of the clerk of the Superior Court of Durham County on or before the thirtieth day of June, one thousand nine hundred and thirty-one, to determine what additional help is needed in said office.

SEC. 4. That that act shall be in full force and effect from and after its ratification.

Ratified this the 30th day of March, A.D., 1931.

CHAPTER 338

AN ACT FOR THE RELIEF OF J. K. REID, SHERIFF OF WASHINGTON COUNTY, AND FOR THE RELIEF OF LEON S. BREY, FORMER TREASURER OF WASHINGTON COUNTY.

Whereas, J. K. Reid, Sheriff of Washington County, and Leon S. Brey, former Treasurer of Washington County, had certain funds in the sums hereinafter named belonging to Washington County deposited in the United Commercial Bank in the Town of Plymouth; and

Whereas, on the thirteenth day of January, one thousand nine hundred and twenty-five, said bank was closed, and a liquidation thereof begun, said liquidation not yet having been completed, the said funds belonging to Washington County being on deposit in said bank at the time when same was closed; and

Whereas, there has been paid by the receiver of said bank ten per cent of the said deposits, which has been placed in the Treasury of Washington County, leaving ninety per cent thereof still unpaid; *Now, therefore*,

The General Assembly of North Carolina do enact:

SECTION 1. That the board of commissioners of Washington County, be and are hereby authorized and empowered in their discretion to relieve J. K. Reid, Sheriff of Washington County, and his official bond from liability for the payment of any and all sums which the said J. K. Reid had on deposit in the United Commercial Bank of Plymouth, North Carolina, on the thirteenth day of January, one thousand nine hundred and twenty-five, belonging to the County of Washington, the net sum for which relief is hereby given, before the crediting of any payment thereon by the receiver of said bank, being eight thousand one hundred and nineteen dollars and ninety-three cents.

SEC. 2. That the board of commissioners of Washington County be hereby authorized and empowered in their discretion to relieve Leon S. Brey, former Treasurer of Washington

Survey to be made to determine what help needed.

Preamble: Loss of Washington County funds in closed bank in name of J. K. Reid and Leon S. Brey.

Payment of 10 per cent in liquidating dividends.

County Commissioners authorized to relieve J. K. Reid and his bond of liability.

Also authorized to relieve Leon S. Brey and his bond.

County, and his official bond from the payment of all sums which the said Leon S. Brey had on deposit in the United Commercial Bank of Plymouth, North Carolina, on the thirteenth day of January, one thousand nine hundred and twenty-five, belonging to the County of Washington, the net sum for which relief is hereby given before the crediting of any payment thereon by the receiver of said bank being twenty-four thousand, three hundred and sixty-two dollars and eighty cents.

Future dividends payable to County.

SEC. 3. That all sums that may in the future be paid by the receiver of the United Commercial Bank on the said deposit of the said J. K. Reid, Sheriff, and the said Leon S. Brey, former Treasurer, shall be paid to the Treasurer of Washington County, and shall be placed to the credit of the proper fund or funds to which they belong.

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

SEC. 5. That this act shall be in force and effect from and after its ratification.

Ratified this the 30th day of March, A.D., 1931.

CHAPTER 339

AN ACT TO INCORPORATE THE MEMORIAL METHODIST EPISCOPAL CHURCH IN CURRITUCK COUNTY.

The General Assembly of North Carolina do enact:

Memorial Methodist Episcopal Church, Currituck County, incorporated.

SECTION 1. That the Memorial Methodist Episcopal Church in Currituck County is hereby incorporated under the name and style of "The Memorial Methodist Episcopal Church", and under such name and style may acquire, hold and convey real and personal property, sue and be sued, adopt a common seal, and plead and be impleaded in any court in the State.

Certain crimes punished.

SEC. 2. That any person found drunk or disorderly within half a mile of said church shall be guilty of a misdemeanor and, upon conviction, shall be fined or imprisoned in the discretion of the court.

Conduct of any business in territory so as to disturb services prohibited.

SEC. 3. That it shall be unlawful for any person, firm or corporation to operate within said limits any dance hall or to conduct any business that will disturb the services in said church, and any person, firm or corporation violating the provisions of this act shall be guilty of a misdemeanor, and, upon conviction, shall be fined or imprisoned in the discretion of the court.

Made misdemeanor.

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 5. That this act shall be in full force and effect from and after its ratification.

Ratified this the 30th day of March, A.D., 1931.

CHAPTER 340

AN ACT TO PROVIDE A SPECIAL FUND FOR THE ENFORCEMENT OF THE PROHIBITION LAW IN THE COUNTY OF ROCKINGHAM.

The General Assembly of North Carolina do enact:

SECTION 1. That from and after the ratification of this act there shall be taxed against the defendant in every court in Rockingham County having jurisdiction of the offense in all convictions for offenses against the so-called "Turlington Act", Chapter one, Public Laws nineteen hundred and twenty-three, and against all persons convicted of driving an automobile while intoxicated, a special tax fee of five dollars (\$5.00).

Fee of \$5 taxable against defendants convicted of driving cars while intoxicated in Rockingham County.

SEC. 2. Said tax fee shall be collected by the clerks of the various courts in the county having jurisdiction of the offenses described in section one of the act, in each and every case in his court in which the defendant pays the cost or in which payment is enforced from him.

Fee collected by various clerks.

Within ten days after the end of each of said courts, the clerk of the said court shall pay over to the sheriff-treasurer of the county, said fund, so collected, accompanying said payment with an itemized statement of the case, the offense and the amount collected. Said clerk, or clerks, shall also furnish the chairman of the Board of County Commissioners with a copy of said itemized statement. The sheriff-treasurer shall deposit this fund in the treasury of the county as a special fund, to be called "The Prohibition Fund" to be used by the sheriff under instructions from the Board of County Commissioners in the enforcement of the Prohibition Law in said County of Rockingham.

Payment of fees to Sheriff-Treasurer.
Itemized statement.

When so used by the sheriff, he shall, on the first Monday in each month, supply the Board of County Commissioners with an account, in writing, of his expenditures of this fund for the preceding month.

To become Prohibition Fund for enforcement of prohibition laws.

Reports of expenditures from fund.

SEC. 3. All laws and clauses of laws in conflict with this act are hereby repealed.

Conflicting laws repealed.

SEC. 4. This act shall take effect from and after its ratification.

Ratified this the 30th day of March, A.D., 1931.

CHAPTER 341

AN ACT TO FIX THE FEES OF CERTAIN OFFICIALS OF MADISON COUNTY WHOSE SALARIES HAVE BEEN ABOLISHED, AND TO DEFINE THE DUTIES OF CERTAIN OFFICIALS AND BOARDS.

The General Assembly of North Carolina do enact:

SECTION 1. That from and after March first, one thousand nine hundred and thirty-one, the fees of the sheriff of Madison County shall be increased twenty-five per cent (25%), and said

Effective March 1, 1931, fees of Madison County Sheriff increased 25 per cent.

sheriff shall submit to the Board of County Commissioners an itemized, monthly, sworn statement of all the fees by him collected for the preceding month, and if said fees during any month have not amounted to one hundred and fifty dollars per month, then the said Board of County Commissioners is empowered and directed to issue to the sheriff of Madison County a voucher that will, together with the fees by him collected, amount to one hundred and fifty dollars for each and every month.

County to make up difference between fees collected and \$150 per month.

Certain fees of Register of Deeds.

SEC. 2. That the Register of Deeds of Madison County from and after March first, one thousand nine hundred and thirty-one, shall receive three dollars per day while in the performance of his duties in the capacity of clerk of the Board of County Commissioners and that said Register of Deeds shall receive pay for each and every page of the minute docket or any other orders that he is required to write or record at the same rate of fees that he draws for recording a deed. It is further provided that the fees of the Register of Deeds from March first, one thousand nine hundred and thirty-one, shall be increased or raised twenty-five per cent.

Increased 25 per cent.

Clerk Superior Court to be allowed fees collected as clerk of any inferior court.

SEC. 3. That the Clerk of the Superior Court of Madison County shall receive the fees as provided by law and in case a Recorder's Court, or any other inferior court outside of a Justice of the Peace Court, is established for Madison County the said clerk shall draw all the fees except those to be paid by the county, and in that event said clerk shall draw no fees from the County of Madison for said purpose.

Election of Auditor by chairman of certain boards.

SEC. 4. That from and after the ratification of this act no auditor or tax collector shall be elected for Madison County in any other way or manner save that provided in this section. That on the first Monday in December, one thousand nine hundred and thirty-two, the Chairman of the Board of Education, the Chairman of the Board of County Commissioners, the Chairman of the Board of Health, the Chairman of the Sinking Fund Commission, and their successors in office, and the Chairman of any other Boards that may be created by this Legislature, for Madison County, shall meet and elect an auditor by a majority of the votes of the various chairmen and said auditor shall serve and draw compensation provided for in the act creating the auditor's office for Madison County and that part of said act that provides for the election of said auditor at the general election is hereby repealed. That the office of tax collector of Madison County is hereby abolished except, however, that the present tax collector shall continue to collect taxes that are now in his hand. That the chairmen of the various boards referred to in this section shall meet on the first Monday in August, one thousand nine hundred and thirty-one, and by a vote of the chairmen

Office of Tax Collector abolished, except as to present taxes.

of the said boards and in the manner hereinbefore provided, elect a tax manager for a period of two years whose duty it shall be to collect the taxes, and the chairmen of the various boards shall fix the tax manager's salary and prescribe his duties, and said salary shall be paid by the Board of County Commissioners out of the general county funds, and thereafter the said tax manager shall be elected biennially by the chairmen of the said boards herein referred to. The Sinking Fund Commission of Madison County is empowered and directed to elect annually, on the first Monday in June, some person qualified to make the tax books for the County of Madison, and the Board of County Commissioners shall pay said person elected to make said tax books out of the general county funds the amount as is now, or hereafter may be, provided by State law, and the person so elected to make the tax books shall complete said books in accordance with all State laws governing the matter of making tax books.

Election of Tax Manager by chairman of boards.

Salary.

Making tax books.

SEC. 5. That all laws and clauses of laws, either public or private, are hereby repealed in so far as Madison County is affected and that this act shall apply only to Madison County.

Conflicting laws repealed.

SEC. 6. That this act shall be in force and effect from and after its ratification.

Ratified this the 30th day of March, A.D., 1931.

CHAPTER 342

AN ACT TO REPEAL CHAPTER TWO HUNDRED FORTY-FIVE OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED TWENTY-NINE, CHAPTER NINETY OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED TWENTY-SEVEN, AND CHAPTER THIRTY-SEVEN OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED TWENTY-FIVE, AND TO ABOLISH FREE ROAD LABOR AND THE ANNUAL FEE IN LIEU OF SAID ROAD DUTY IN MADISON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter two hundred and forty-five of the Public-Local Laws of one thousand nine hundred and twenty-nine, chapter ninety of the Public-Local Laws of one thousand nine hundred and twenty-seven, and chapter thirty-seven of the Public-Local Laws of one thousand nine hundred and twenty-five, be and they are hereby repealed.

Ch. 245, Public-Local Laws 1929; ch. 90, Public-Local Laws 1927; and ch. 35, Public Local Laws 1925, repealed.

SEC. 2. That from and after the ratification of this act no resident of Madison County shall be liable for road duty or an annual fee in lieu of said road duty.

Free labor on roads abolished in Madison County.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws whether public, local or private in conflict with the provisions of this act are hereby repealed.

SEC. 4. That this act shall be in force and effect from and after its ratification.

Ratified this the 30th day of March, A.D., 1931.

CHAPTER 343

AN ACT TO APPOINT A HIGHWAY COMMISSION TO ACT IN ALL MATTERS RELATING TO THE HIGHWAY OF MADISON COUNTY AS PROVIDED IN HOUSE BILL NUMBER THREE HUNDRED THIRTY-EIGHT PASSED AT THIS SESSION OF THE GENERAL ASSEMBLY.

The General Assembly of North Carolina do enact:

Appointment of Madison County Highway Commission.

SECTION 1. That W. J. Teague, Nat Blankenship and Robert Tweed be and they are hereby appointed a highway commission for Madison County and they are hereby authorized, empowered and directed to act in the place of the Board of County Commissioners of Madison County in relation to the highways of said county, as provided in House Bill number three hundred and thirty-eight, passed at this session of the General Assembly. Their term of office shall be four years from date of ratification of this act and until their successors have been appointed and qualified and in case either member should fail to qualify or for any cause cease to act the remaining members shall elect his successor.

Term of office.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 3. This act shall be in force and effect from and after its ratification.

Ratified this the 30th day of March, A.D., 1931.

CHAPTER 344

AN ACT TO FIX THE FEES TO BE COLLECTED BY THE CLERK OF THE SUPERIOR COURT OF GRANVILLE COUNTY.

The General Assembly of North Carolina do enact:

Fees collectible by Clerk Superior Court of Granville County.

SECTION 1. That the Clerk of the Superior Court of Granville County shall collect and account for to the general county fund of said county the following fees, namely:

Enumeration of.

Affidavits and selling under mortgage in lieu of bond, four dollars for sales of real estate, and two dollars for personal property.

Affidavit, including jurat, fifty cents.

- Appeal from Justice of the Peace, docketing, one dollar.
- Appeal from Clerk to Judge, one dollar.
- Appeal to the Supreme Court including certificates and seal, three dollars.
- Apprenticing infant, including indenture, one dollar.
- Attachment, order in, fifty cents.
- Auditing account of Receiver, Executor, Administrator, Guardian or other Trustee required to render accounts, if not over three hundred dollars, seventy-five cents, if over three hundred dollars and not exceeding one thousand dollars, one dollar; if over one thousand dollars, one dollar and twenty-five cents.
- Auditing final settlement of Receiver, Executor, Administrator, Guardian or other Trustee, required to render accounts, one-half of one per cent of the amount on which commissions are allowed to such trustee for all sums not in excess of one thousand dollars; and for all sums over one thousand dollars, one-tenth of one per cent on such excess; but such fees shall not exceed twenty dollars unless there be a contest, when the Clerk shall have one per cent on said excess of one thousand dollars but in no instance shall his fee exceed thirty dollars.
- Auditing the final account of commissioners appointed to sell real estate, one-half of the fees allowed for auditing final accounts of Executors.
- Bill of Costs, preparing same, fifty cents.
- Bond or undertaking, including justification, sixty cents.
- Cancelling notice of lis pendens, twenty-five cents.
- Capias, each defendant, one dollar.
- Caveat to a will, entering and docketing the same for trial one dollar and fifty cents.
- Certificate, twenty-five cents plus one dollar for the first three hundred words and fifteen cents for each additional one hundred words or fraction thereof contained in the record as to which the certificate is made, where the Clerk prepares the copy, and one half of said copying fees where the copy is prepared for him.
- Claim and Delivery, order in, fifty cents.
- Commission, issuing, one dollar.
- Confirmation, fifty cents.
- Continuance, thirty cents.
- Docketing Ex-Parte Proceedings, seventy-five cents.
- Docketing indictment, as to each defendant, twenty-five cents.
- Docketing liens, twenty-five cents plus one dollar for the first three hundred words and fifteen cents for each additional one hundred words or fraction thereof in the notice of lien.
- Docketing judgment, fifty cents.
- Docketing summons, fifty cents.
- Docketing Transcript of Judgment, fifty cents, plus indexing and filing fees.

- Execution and return thereon including docketing and indexing, as to each defendant, one dollar; and certifying return to Clerk of any County where judgment is docketed, fifty cents.
- Filing pleadings, each, ten cents.
- Filing judgment roll or jacket containing all papers in suit or proceeding, twenty-five cents.
- Guardian, appointment of, including taking application, bond and justification and issuing letters of guardianship and indexing, five dollars.
- Impanelling jury, twenty-five cents.
- Indexing judgment on cross index book, ten cents for each plaintiff and defendant; indexing liens on lien book, ten cents as to each party for or against whom the lien is claimed.
- Indexing where no other fee is fixed, five cents for each name one single index and ten cents for each name on cross index, but where cross index is used no fee shall be charged for single index.
- Indictment, each defendant in bill, sixty cents.
- Injunction, order for, including taking bond and justification, one dollar and fifty cents.
- Judgment, final in term time, civil actions one dollar and twenty-five cents additional for each defendant contesting plaintiff's claim.
- Judgment, final, against each defendant in criminal action, one dollar.
- Judgment, final, before the Clerk, one dollar and fifty cents.
- Judgment by confession without notice, all services, four dollars.
- Judgment in favor of widow's year's support, including docketing and indexing, seventy-five cents.
- Judgment nisi, entering against, defaulting witness or juror or bail on bond or recognizance each, twenty-five cents.
- Justification of sureties on any bond or undertaking except as otherwise provided, fifty cents.
- Letters of Administration, including taking application, bond and justification of sureties and indexing, five dollars.
- Motions, entry of record, twenty-five cents.
- Notices, twenty-five cents, and for each name over one in the same paper, ten cents additional.
- Notifying Solicitor of removal of guardian, one dollar.
- Order enlarging time for pleading and all interlocutory orders in Special Proceedings and Civil Actions, thirty cents.
- Order of Arrest, one dollar.
- Order for appearance of apprentice on complaint of master, one dollar; for appearance of master on complaint of apprentice, one dollar.
- Order for resale of property under deed of trust or mortgage, each, twenty-five cents.

- Order to make title after sale under deed of trust or mortgage, twenty-five cents.
- Order for the registration of a deed or other writing which has been proved or acknowledged in another County or before a Judge, Justice of the Peace, Notary or other officer, except a chattel mortgage, twenty-five cents for each certificate upon which the Clerk has to pass.
- Postage, actual amount necessarily expended.
- Presentment, each person presented, fifteen cents.
- Probate of statutory short form chattel mortgage or crop lien, where no married woman involved, fifteen cents, and fifteen cents for each extra certificate passed upon.
- Probate of deed or other writing proved by witness, including the certificate, twenty-five cents.
- Probate of a deed or other writing acknowledged by the signers or makers including all except married women who acknowledged at the same time with the certificate thereof and order of registration, twenty-five cents; and twenty-five cents for the private examination of each married woman examined.
- Probate of limited partnership, seventy-five cents.
- Probate of a will in common form, qualifying executor, affidavit as to estate and letters testamentary, four dollars.
- Qualifying administrator with the will annexed including application, taking bond, justification, letters and indexing, two dollars.
- Qualifying a justice of the peace, including recording name and expiration of term of office and indexing, to be paid by the justice of the peace, seventy-five cents.
- Qualifying notary public including affidavits, certificate under seal to Governor and indexing, one dollar.
- Recognizance each party where no bond is taken, twenty-five cents.
- Recording papers, one dollar for the first three hundred words and fifteen cents for each additional one hundred words or fraction thereof.
- Recording appointment of process agent for non-resident, seventy-five cents.
- Recording widow's year's allowance, where no judgment for deficiency, all services, one dollar.
- Recording wills, one dollar for the first three hundred words and fifteen cents for each additional one hundred words or fraction thereof, including the probate, and ten cents for each name cross indexed.
- Recording certificate of incorporation of corporation, four dollars.
- Recording certificate of dissolution of corporation, two dollars.

Registering trained nurses, including certificates of registration and seal, seventy-five cents.

Report to Highway Commission of infractions of highway laws, as to each person convicted, fifty cents.

Report of sale of property under mortgage or deed of trust including indexing, twenty-five cents, and each report of resale, fifteen cents.

Registration of a Guardian, relinquishment of the right to administer or to qualify as Executor, receiving, filing, and noting same, twenty-five cents.

Seal of Office, when necessary, twenty-five cents, and seals on duplicates of summons or other instrument, ten cents.

Subpoena, each name, fifteen cents.

Summons in Civil Action or Special Proceedings, including all names therein, one dollar; and for every copy thereof, twenty-five cents.

Swearing witnesses, each, five cents.

Transcript of a judgment, when not necessary to copy judgment, forty cents.

Transcript of any matter of record or papers on file, one dollar for the first three hundred words and fifteen cents for each additional one hundred words or fraction thereof.

Trial of any contested action or special proceeding, five dollars, unless the Judge of the district or the Judge holding the Courts of the district shall make a larger allowance.

The Clerk shall also account to the general county fund for five per cent on all fines, penalties, amercements and taxes paid him by virtue of his office and three per cent of all sums of money not exceeding five hundred dollars placed in his hands by virtue of his office, except on judgments, decrees, executions and deposits under article three of chapter fifty-four of the Consolidated Statutes, and upon the excess over five hundred dollars of such sums, one per cent.

SEC. 2. That this act shall be construed as supplementary to other laws, and the Clerk of the Superior Court shall collect and account for all such fees that are not specifically set forth herein which may be prescribed by any other law or clause of law.

SEC. 3. That this act shall be in force from and after the first day of May, nineteen hundred thirty-one.

Ratified this the 1st day of April, A.D., 1931.

CHAPTER 345

AN ACT REGULATING THE FEES OF THE SHERIFF OF JACKSON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the sheriff of Jackson County shall collect the following fees and expenses in addition to commission on

Clerk to account to general fund for per centage of certain collections.

Act supplementary to other laws.

Effective May 1, 1931.

Fees collectible by Sheriff of Jackson County enumerated.

collecting of taxes, namely; executing summons or other writ of notice, one dollar fifty cents, but the board of county commissioners may fix a less sum than one dollar fifty cents, but not less than fifty cents, for the service of each road order. Arrest of a defendant in a civil action and taking bail, including attendance to justify and all services connected therewith, two dollars. Arrest of person indicted, including all services connected with the taking and justification of bail, two dollars. Imprisonment of any person in a civil or criminal action, thirty cents; and release from prison, thirty cents. Executing subpoena on a witness, fifty cents. Conveying a prisoner to jail to another county, ten cents per mile. For prisoners, if any necessary, and approved by the county commissioners, going and returning, five cents per mile. Expense of guard and all other expenses of conveying to jail, or from jail to another for any purpose or to any place of punishment, or to appear before a court or justice of the peace in another county, or going to another county for a prisoner, to be taxed in the bill of costs and allowed by the board of commissioners of the county in which the criminal proceedings were instituted. For allotment of widow's yearly allowance, two dollars. In claim and delivery for serving original papers and for serving all of the papers with one defendant, the sum of three dollars; and one dollar for each additional defendant therein named, with the actual cost of keeping the same until discharged by law to be paid on affidavit of the returning officers collecting fine and costs from convict, five per cent on the amount collected. Collecting executions for money in civil actions, five per cent on the amount collected; and the like commissions for all moneys which may be paid to the plaintiff by the defendant while the execution is in the hands of the sheriff. Advertising a sale of property under execution at each public place required, twenty-five cents. Seizing specific property, under order of a court, or executing any other order of the court or judge, not specially provided for, to be allowed by the judge or court. Taking any bond or undertaking, including furnishing the blanks, fifty cents, the actual expense of keeping all property seized under process of order of the court to be allowed by the court on the affidavit of the officer in charge. Summoning a grand or petit jury, for each man summoned, thirty cents, and ten cents for each person on the special venire. For serving any writ or other process with the aid of the county, the usual fee of one dollar, and the expense necessarily incurred thereby, to be adjudged by the county commissioners, and taxed as other costs. All just fees paid to any printer for any advertisement by law to be printed. Bringing a prisoner upon habeas corpus, to testify or answer to any court or before any judge, one dollar and all actual and necessary expenses for such services, and ten cents per mile by the route most usually traveled,

and all expenses for any guard actually employed and necessary. For summoning and qualifying appraisers, and for performing all duties, in laying off homesteads and personal property exemptions or either, three dollars, to be included in the costs. For levying an attachment and serving all papers therein, with the exception of the notices of sale and execution, three dollars, and for each additional defendant therein, the sum of one dollar and fifty cents; for attendance to qualify jurors to lay off dower or commissioners to lay off years allowance, two dollars; and attendance to qualify commissioners for any other purpose, one dollar. Executing a deed for land or any interest in land sold under execution, five dollars to be paid by purchaser. Service of writ of ejectment, one dollar fifty cents; for every execution, either civil or criminal cases, one dollar. Whenever any precept or process shall be directed to the sheriff of said county, to be served out of his county, said sheriff shall have for such services not only the fees hereinbefore allowed, but a further compensation of ten cents for every mile of travel going to and returning from services of such precept or process; *Provided*, that whenever any execution of five hundred dollars or upwards shall be directed to said sheriff to be served out of his county, such sheriff shall not be allowed mileage, but only the commissions to which he shall be entitled. All persons confined in the common jail of Jackson County, North Carolina, shall pay as a jail fee the sum of seventy-five cents per day for each day confined therein: *Provided, however*, the county commissioners may make special contract with the proper parties for the care of prisoners for the Federal Government.

Allowed mileage
in certain cases.

Jail fees.

Care of Federal
Government pris-
oners.

Conflicting laws
repealed.

SEC. 2. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed.

SEC. 3. That this act shall be in full force and effect from and after date of its ratification.

Ratified this the 1st day of April, A.D., 1931.

CHAPTER 346

AN ACT TO PROVIDE FOR THE ELECTION BY THE PEOPLE OF THE SOLICITORS OR PROSECUTING ATTORNEYS OF CERTAIN RECORDER'S COURTS IN ROBESON COUNTY.

The General Assembly of North Carolina do enact:

Solicitors of Re-
corder's Courts in
Robeson County
to be elected by
people.

SECTION 1. That the solicitors or prosecuting attorneys for the Recorder's Court of Fairmont District, Robeson County; the Recorder's Court of Rowland District, Robeson County; the Recorder's Court of Red Springs District, Robeson County; and the Recorder's Court of St. Pauls District, Robeson County, as set up, established and provided for by chapter six hundred

thirty-four, Public-Local Laws nineteen hundred fifteen, shall hereafter be elected by the people at the same time, for the same term and in the same manner as the Recorders or presiding judges for said Recorder's Courts. Candidates for said offices shall be nominated in the Primary in the same manner and at the same time as now provided by law for the nomination of county officers in Robeson County.

Nominated in
Primary.

SEC. 2. This act shall be in full force and effect from and after its ratification.

Ratified this the 1st day of April, A.D., 1931.

CHAPTER 347

AN ACT TO FIX THE COMPENSATION OF THE SOLICITOR OF THE GENERAL COUNTY COURT OF THE COUNTY OF BUNCOMBE BY THE COUNTY COMMISSIONERS.

The General Assembly of North Carolina do enact:

SECTION 1. That on and after the first day of May, nineteen hundred and thirty-one, the County Commissioners of Buncombe County are hereby authorized and fully empowered to fix, revise and set, in their discretion, the salary of the Solicitor of the General County Court of Buncombe County.

Buncombe County
Commissioners to
fix salary of
Solicitor of Gen-
eral County
Court.

SEC. 2. That all laws and clauses of laws in conflict with this act are hereby repealed.

Conflicting laws
repealed.

SEC. 3. This act shall be in full force and effect from and after its ratification.

Ratified this the 1st day of April, A.D., 1931.

CHAPTER 348

AN ACT TO AMEND CHAPTER TWO HUNDRED AND TWENTY-TWO, PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-NINE, RELATING TO THE SALARIES OF THE JUDGE AND PROSECUTING ATTORNEY OF THE RECORDER'S COURT OF ELKIN, SURRY COUNTY, AND INCREASING THE TERRITORIAL JURISDICTION OF SAID COURT.

The General Assembly of North Carolina do enact:

SECTION 1. That the Recorder's Court of Elkin, Surry County, shall have jurisdiction over the territory within the corporate limits of said town and also the territory embraced within a radius of five miles of the corporate limits of said town, lying in Surry, Yadkin and Wilkes Counties, including the towns of Jonesville and Arlington in Yadkin County, and the Recorder

Territorial juris-
diction of Elkin
Recorder's Court
extended.

Parts of three
counties.

Sentencing of prisoners.

Expenses of transporting.

Application of fines and forfeitures.

Costs taxed for salaries.

Sentencing prisoners to counties where crimes were committed.

Biennial selection of Recorder.

Vacancy appointments.

Appointment of Vice-Recorder.

Appointment of Clerk.

of said Court shall have power and authority to sentence defendants convicted of offenses committed in the above territory lying in Wilkes and Yadkin Counties to the jails or to the roads of the respective counties, and the commissioners of the said counties shall pay the expense of transportation of said prisoners from the Recorder's Court at Elkin to the jail to which defendants are sentenced and the reasonable expense for transporting said defendants from the jail to the Recorder's Court for trial. That the commissioners of the respective counties shall be responsible for such cost as is now allowed by law in cases of conviction or acquittal.

The fines and forfeitures arising from the trial of offenses occurring in Yadkin County shall be paid to the Treasurer of the school fund or other proper officer of Yadkin County, and likewise the fines and forfeitures for offenses committed in Wilkes County shall be paid to the treasurer or other proper officer of said county for the benefit of the school fund. All costs taxed as Recorder's fees and fees of the Prosecuting Attorney in all cases, whether the offenses occurred in Surry, Wilkes or Yadkin Counties, shall be paid into the treasury of Surry County to reimburse said county for the salaries of the Recorder or Judge of said court and Prosecuting Attorney. All fines and forfeitures for offenses committed in Surry County shall be paid to the school fund of said county. That the judge of said Recorder's Court is authorized and empowered to sentence prisoners from the Recorder's Court to the jails of the respective counties wherein such offenses are committed with authority of any such county through its Board of Commissioners to assign such prisoners to work upon the roads of said county or to be assigned otherwise as may be provided by law.

SEC. 2. That at the end of the term of office of the present Recorder of the Recorder's Court of Elkin, Surry County, to-wit, the first Monday in May, one thousand nine hundred and thirty-one, the Board of Commissioners of the Town of Elkin shall appoint his successor, who shall hold his office for a term of two years, and that said Recorder shall be appointed by the Board of Commissioners of the Town of Elkin every two years thereafter; *Provided*, if such Recorder should die, resign or be removed from office, his successor with like recommendation shall be appointed by the Board of Commissioners of the Town of Elkin for the unexpired term.

SEC. 3. That the Recorder of the Recorder's Court of Elkin, Surry County, is authorized to appoint a Vice-Recorder to serve during said Recorder's term of office, as provided in section one thousand five hundred and fifty of the Consolidated Statutes.

SEC. 4. That at the end of the term of office of the present Clerk of the Recorder's Court of Elkin, Surry County, to-wit,

the first Monday in May, one thousand nine hundred and thirty-one, the Recorder of the said Court shall appoint his successor for a term of two years and that said Clerk shall be appointed by the Recorder every two years thereafter; *Provided*, that said Recorder shall supply any vacancy occurring in the office of Clerk of the Recorder's Court.

Term of office.
Vacancy appointments.

SEC. 5. That at the end of the term of office of the present Prosecuting Attorney of the Recorder's Court of Elkin, Surry County, to-wit, the first Monday in May, one thousand nine hundred and thirty-one, the Recorder of the said Court shall appoint his successor for a term of two years, and said Prosecuting Attorney shall be appointed by the Recorder every two years thereafter; *Provided*, that said Recorder shall fill any vacancy occurring in the office of the Prosecuting Attorney.

Appointment of Solicitor.

Term of office.

Vacancy appointments.

SEC. 6. That chapter two hundred twenty-two Public-Local Laws of one thousand nine hundred and twenty-nine be amended by striking out the words "One Thousand Dollars" in line three of section one and inserting in lieu thereof the words "Twelve Hundred Dollars" and by striking out the words "Eight Hundred Dollars" in line six of section one and inserting in lieu thereof the words "Nine Hundred Dollars."

Ch. 222, Public-Local laws 1929, amended, relating to salaries of officers.

SEC. 7. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Conflicting laws repealed.

SEC. 8. That this act shall be in full force and effect from and after its ratification.

Ratified this the 1st day of April, A.D., 1931.

CHAPTER 349

AN ACT TO CONSOLIDATE THE ACTIVITIES OF PUBLIC WELFARE OF THE COUNTY OF FORSYTH AND THE CITY OF WINSTON-SALEM.

The General Assembly of North Carolina do enact:

SECTION 1. That a joint board may be created in Forsyth County representing the Board of Commissioners, the County Board of Education, the County Board of Public Welfare and the Board of Aldermen of the City of Winston-Salem, for the purpose of co-ordinating the Public Welfare activities of Forsyth County and City of Winston-Salem.

Creation of joint welfare board for Forsyth County and Winston-Salem.

SEC. 2. That the said board may, in its discretion, appoint a Director of Public Welfare, fix the salary and outline the duties of said Director; *Provided, however*, that this act shall conform to the present State law governing approval of appointment of such Director of Public Welfare by the State Board of Charities and Public Welfare.

Appointment of Director.

SEC. 3. Such Director of Public Welfare of Forsyth County shall have, under the direction of the above named board, author-

Powers and duties of Director.

ity to supervise, co-ordinate and direct all public welfare activities of Forsyth County and the City of Winston-Salem and shall have such other duties and powers as may be determined by the said Board.

Conflicting laws repealed.

SEC. 4. That all laws and clauses thereof in conflict with this act are hereby repealed.

SEC. 5. This act shall be in force and effect on and after its ratification.

Ratified this the 1st day of April, A.D., 1931.

CHAPTER 350

AN ACT TO PRESCRIBE THE FEES TO BE CHARGED BY THE REGISTER OF DEEDS OF GRANVILLE COUNTY FOR RECORDING CERTAIN INSTRUMENTS.

The General Assembly of North Carolina do enact:

Fees of Register of Deeds of Granville County.

SECTION 1. The Register of Deeds of Granville County shall receive for registering deeds, mortgages, Deeds of Trust, and contracts, and other instruments not hereinafter specifically mentioned, the sum of One (\$1.00) Dollar for the first three hundred words and fifteen (15c) cents for each additional hundred words or fraction thereof contained in the instrument and certificates: For recording the statutory short form of agricultural lien and chattel mortgage combined the sum of fifty (50c) cents and for recording the statutory short form of chattel mortgage alone in which no crop is mentioned the sum of thirty-five (35c) cents.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 3. That this act shall be in full force and effect from and after its ratification.

Ratified this the 1st day of April, A.D., 1931.

CHAPTER 351

AN ACT TO EXTEND THE TIME FOR BRINGING ACTIONS AGAINST L. E. LANCASTER, CLERK OF SUPERIOR COURT, CRAVEN COUNTY, AND HIS OFFICIAL BOND.

Preamble: Deposits of L. E. Lancaster, Clerk Superior Court of Craven County, in defunct banks.

Whereas, at the time of the suspension of business by the First National Bank of New Bern and the Citizens Bank and Trust Company of New Bern, L. E. Lancaster, Clerk of the Superior Court of Craven County, had on deposit in said banks official funds then in his hands as Clerk of the Superior Court, and for the protection of said deposit said banks had delivered cer-

tain collateral, which is now held by the said clerk, and which said collateral is claimed to be sufficient to secure said deposit:

The General Assembly of North Carolina do enact:

SECTION 1. That no civil action or court proceedings shall be instituted on account of any of the official funds of L. E. Lancaster, Clerk of the Superior Court of Craven County, on deposit in either the First National Bank of New Bern or the Citizens Bank and Trust Company prior to April first, one thousand nine hundred and thirty-three.

Time for bringing actions against Clerk extended to April 1, 1933.

SEC. 2. That nothing in this act shall be construed or have the effect of relieving L. E. Lancaster, Clerk of the Superior Court of Craven County, or the surety on his official bond from any liability which may now exist on account of said deposits and shall become effective when his sureties on this official bond shall file their written acceptance with the Board of Commissioners of Craven County and this act when so accepted shall have the effect of extending the Statute of Limitations to bar actions the length of time this act postpones the right of action.

Clerk and bond not relieved.

Act to be accepted by sureties.

Statute of limitations extended.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Conflicting laws repealed.

SEC. 4. That this act shall be in full force and effect from and after its ratification and acceptance by sureties as above provided.

Ratified this the 1st day of April, A.D., 1931.

CHAPTER 352

AN ACT TO RE-APPOINT OTIS C. JENKINS A MEMBER OF THE BOARD OF ROAD COMMISSIONERS OF GRANVILLE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That Otis C. Jenkins be, and he is hereby, appointed a member of the Board of Road Commissioners of Granville County for a term of two years.

Appointment to Board of Road Commissioners of Granville County term.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This act shall take effect from and after its ratification.

Ratified this the 1st day of April, A.D., 1931.

CHAPTER 353

AN ACT TO AMEND CHAPTERS ONE HUNDRED AND FIFTY-EIGHT AND SIX HUNDRED AND FOURTEEN, PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND ELEVEN, RELATING TO THE RECORDER'S COURT OF VANCE COUNTY.

The General Assembly of North Carolina do enact:

Ch. 158, Public-Local Laws 1911, amended, as to Vance County Recorder's Court.

SECTION 1. That Chapter one hundred and fifty-eight, Public-Local Laws of one thousand nine hundred and eleven, be amended by striking out in line three of section two, the words: "the Mayor pro tem of said town" and inserting in lieu thereof the words "the assistant judge of the Recorder's Court."

Ch. 614, Public-Local Laws 1911, amended.

SEC. 2. That section ten, Chapter six hundred and fourteen, Public-Local Laws of one thousand nine hundred and eleven, be amended by striking out in lines ten and eleven the words "the Board of Town Commissioners of the Town of Henderson and", and by striking out in line twelve the word "joint", and by adding at the end of said section the following: "That the Board of County Commissioners of Vance County shall at the next meeting after the ratification of this act appoint an assistant judge of the Recorder's Court to serve during the absence or sickness of the judge until the first Monday in December, one thousand nine hundred and thirty-two, at which time and every two years thereafter his successor shall be appointed by the said board. When so serving the assistant judge shall receive the same compensation as that allowed the judge of said Recorder's Court."

Appointment of Assistant Recorder.

Term of office.

Compensation.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 4. That this act shall be in full force and effect from and after its ratification.

Ratified this the 2nd day of April, A.D., 1931.

CHAPTER 354

AN ACT TO PROVIDE FOR CONTINUOUS GRAND JURY IN LEE COUNTY.

The General Assembly of North Carolina do enact:

Continuous grand jury provided for Lee County Superior Court.

SECTION 1. That at the October one thousand nine hundred thirty-one Term of the Superior Court held for the county of Lee, a Grand Jury shall be drawn, and the Presiding Judge shall charge it as provided by law; such Grand Jury shall serve until the March Term one thousand nine hundred thirty-two of said Court, when the nine members whose names are last drawn at the October Term one thousand nine hundred thirty-one, shall retire and, to serve in their place, there shall be drawn at said March Term one thousand nine hundred thirty-two, nine addi-

One-half retire at end of each six months.

tional members to serve until March Term one thousand nine hundred thirty-three; and at each October and March Term of said Court thereafter nine members of said Jury shall retire and nine new members shall be drawn, so that members of the Grand Jury of Lee County shall one-half be drawn at the October Term and one-half at the March Term of the Superior Court held for Lee County during each year; *Provided*, that at any time the Judge of Superior Court presiding over either civil or criminal court in said county, may call said Grand Jury to assemble and may deliver unto said Grand Jury an additional charge; *Provided, further*, that the Judge of the Superior Court presiding over either civil or criminal court in said county may, at any time, discharge said Grand Jury from further service, in which event, he may cause a new Grand Jury to be drawn which shall serve out the unfinished time of any Grand Jury thus discharged.

Charge of Judge.

Provision for discharge of whole grand jury.

SEC. 2. That all laws and clauses of laws in conflict with this act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 2nd day of April, A.D., 1931.

CHAPTER 355

AN ACT TO AMEND CHAPTER THREE HUNDRED AND EIGHTY-FIVE, PUBLIC-LOCAL LAWS, ONE THOUSAND NINE HUNDRED AND TWENTY-FIVE, RELATING TO CLERICAL ASSISTANCE TO THE CLERK OF THE SUPERIOR COURT OF McDOWELL COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section one of chapter three hundred and eighty-five of the Public-Local Laws of one thousand nine hundred and twenty-five, be and the same is hereby amended by changing the period at the end of said section to a colon and adding a new proviso as follows: "*Provided further*, that the board of commissioners of McDowell County, when it shall be made to appear that an assistant is needed by such clerk of the Superior Court to do the work required of him as such clerk, may, in its discretion, authorize the necessary assistance and pay for the same out of the general county funds to an amount not to exceed six hundred dollars (\$600.00) in any one year."

Ch. 385, Public-Local Laws 1925, amended.

Assistant to Clerk Superior Court of McDowell County.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Allowance of \$600 annually.

Conflicting laws repealed.

SEC. 3. That this act shall be in full force and effect from and after June thirteenth, one thousand nine hundred and thirty-one.

Effective June 30, 1931.

Ratified this the 2nd day of April, A.D., 1931.

CHAPTER 356

AN ACT TO AMEND CHAPTER ONE HUNDRED AND THIRTY-SEVEN OF THE PUBLIC-LOCAL AND PRIVATE LAWS OF NORTH CAROLINA OF THE SESSION ONE THOUSAND NINE HUNDRED AND TWENTY-NINE.

Preamble: Establishment of Law Library in Buncombe County.

Whereas, by chapter one hundred and thirty-seven Public-Local and Private Laws of one thousand nine hundred and twenty-nine a Law Library was provided for to be established and maintained in the Court House of Buncombe County, and

Whereas, said Library is now in operation:

The General Assembly of North Carolina do enact:

Ch. 137. Public-Local Laws 1929, amended, taxing fees in bills of costs for benefit of Law Library.

\$1 in civil actions.

\$1 in criminal actions.

SECTION 1. In every civil suit commenced in the Superior Court of Buncombe County or in the General County Court of Buncombe County where costs are paid in advance, one dollar of the costs collected in each case shall be set apart and designated as a Library fund, and all other civil cases shall pay one dollar to said Library fund when costs are collected or paid to the Clerks of the aforementioned courts; and in like manner in said Courts there shall be collected for the Library fund the sum of one dollar for every criminal case in which costs are collected or paid, and if any other court shall be established in the County of Buncombe exercising jurisdiction above that of a Justice of the Peace, there shall be collected in such courts the sum of one dollar for the Library fund in each civil and criminal case as prescribed herein.

SEC. 2. That this act shall be in full force from and after its ratification.

Ratified this the 2nd day of April, A.D., 1931.

CHAPTER 357

AN ACT REGULATING THE FEES OF THE RECORDER'S COURT OF LINCOLN COUNTY.

The General Assembly of North Carolina do enact:

Fees for salaries of Judge and Solicitor in Lincoln County Recorder's Court.

SECTION 1. That the fees allowed by law for the Judge and the Solicitor of the Recorder's Court of Lincoln County in each case shall be four dollars for Judge and four dollars for Solicitor regardless of the number of counts in the bill of indictment.

Allowance for witnesses.

SEC. 2. That all witnesses in said Recorder's Court shall be allowed one dollar per diem and mileage.

No jury fees if defendant fails to ask for jury trial.

SEC. 3. That whenever the defendant does not ask for a jury trial it shall be unlawful to tax the defendant in case of conviction with any jury fee.

SEC. 4. That the fees in each case to be taxed in the bill of costs against the defendant allowed the clerk of the Recorder's Court including subpoenas, taking bonds, docketing judgments, making orders and all other acts connected with the official duties of his office shall be three dollars and no more in each case.

Fees allowed
Clerk.

SEC. 5. That the sheriff or his deputy shall receive two dollars for making an arrest, one dollar and fifty cents for summoning the jury and fifty cents for each witness subpoenaed.

Fees of Sheriff.

SEC. 6. That in every case brought in the Recorder's Court in which a justice of the peace has original and exclusive jurisdiction, whether the papers have been issued by a justice of the peace or the recorder or any other proper officer, upon motion made by the defendant or his counsel, the same shall be remanded to the court of the justice of the peace for trial and disposition.

Remanding of
certain cases to
Justices of the
Peace.

SEC. 7. That the fees allowed by law in this Court for Jury shall be two dollars per day for each of six jurors selected.

Jury fees allowed.

SEC. 8. That the present law relating to two witnesses for each material fact in criminal cases be enforced in the Recorder's Court.

Number of wit-
nesses in criminal
cases.

SEC. 9. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Conflicting laws
repealed.

SEC. 10. That this act shall be in full force and effect from and after its ratification.

Ratified this the 7th day of April, A.D., 1931.

CHAPTER 358

AN ACT TO PROMOTE RESTOCKING OF CERTAIN STREAMS AND THE PROTECTION OF GAME AND FISH IN MADISON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That any official securing the conviction of any person for violating the fishing laws shall receive the same amount that is now provided by law for the conviction of persons convicted for violating the game laws, and that the amount be taxed in the Bill of Cost by the court and paid to the official securing said conviction.

Fees allowed for
arresting violators
of fishing laws
in Madison
County.

SEC. 2. That the county commissioners of Madison County are empowered and directed to pay annually all bills for transporting game fish for restocking the streams of said county, not in excess of two hundred dollars, *Provided* said bills are approved by the State Game Warden.

Allowance for
transporting fish
for restocking
streams.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Conflicting laws
repealed.

SEC. 4. That this act shall be in force and effect from and after its ratification.

Ratified this the 7th day of April, A.D., 1931.

CHAPTER 359

AN ACT TO AMEND CHAPTER ONE HUNDRED TWENTY-TWO, PUBLIC-LOCAL LAWS ONE THOUSAND NINE HUNDRED TWENTY-ONE, RELATING TO FEES OF THE SHERIFF OF LINCOLN COUNTY.

The General Assembly of North Carolina do enact:

Ch. 122, Public-Local Laws 1921, amended.

Lincoln County Sheriff allowed process fees.

Conflicting laws repealed.

SECTION 1. That section one of chapter one hundred and twenty-two of the Public-Local Laws of one thousand nine hundred and twenty-one, be and the same is hereby amended by adding at the end of said section the following: "*Provided, however, the sheriff shall be entitled to receive the fees allowed by law for all civil and criminal processes served by him in addition to the foregoing salary.*"

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 3. That this act shall be in full force and effect from and after its ratification.

Ratified this the 7th day of April, A.D., 1931.

CHAPTER 360

AN ACT TO AMEND CHAPTER TWO HUNDRED FORTY-SIX, PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED TWENTY-NINE, RELATIVE TO THE CONSERVATION AND PROTECTION OF MIGRATORY WATERFOWL IN DARE COUNTY.

The General Assembly of North Carolina do enact:

Ch. 246, Public-Local Laws 1929, amended.

License fees for hunting migratory waterfowl in Dare County may be reduced by Game Commission.

SECTION 1. That chapter two hundred and forty-six, Public-Local Laws of one thousand nine hundred and twenty-nine, be and the same is hereby amended by adding a new section after section four to be known as section four and one-half, to read as follows:

"SEC. 4½. If upon investigation the Game Commission of Dare County should find that the license fees provided in this act, on account of temporary conditions, are so large as to materially lessen the income derived therefrom and the commission shall find these facts and enter them of record upon their minutes, then said license fees for hunting shall be reduced to the amount found by the Game Commission to be necessary to accomplish the purpose desired, but such reduction shall continue only for the period found by the commission to be necessary. If such reduction is made in accordance with the provisions of this act, then the license fees to be charged shall be in accordance with the finding of the Game Commission."

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed. Conflicting laws repealed.

SEC. 3. That this act shall be in force and effect from and after its ratification.

Ratified this the 7th day of April, A.D., 1931.

CHAPTER 361

AN ACT TO PROTECT FOXES IN ALEXANDER COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful to hunt, trap, snare, shoot, dig out of ground or otherwise kill any Red or Gray Fox, or their young, other than with dogs: *Provided, however,* that any person may shoot or kill any Gray or Red Fox at any time when same is caught in the act of destroying fowls or other domestic animals. Hunting of foxes in Alexander County prohibited. Exception.

SEC. 2. That any person convicted of violation of this act shall be fined not more than fifty dollars or imprisoned not exceeding thirty days. Violation made misdemeanor.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed. Conflicting laws repealed.

SEC. 4. That this act shall be in full force and effect from and after its ratification.

Ratified this the 7th day of April, A.D., 1931.

CHAPTER 362

AN ACT TO AMEND SUBSTITUTE FOR HOUSE BILL NUMBER FIVE HUNDRED NINETY-FOUR, BEING ENTITLED "AN ACT TO PROVIDE FOR THE COLLECTION OF TAXES IN THE CITY OF CHARLOTTE AND THE COUNTY OF MECKLENBURG," RATIFIED MARCH THIRD, ONE THOUSAND NINE HUNDRED THIRTY-ONE.

The General Assembly of North Carolina do enact:

SECTION 1. That Substitute for House Bill number five hundred and ninety-four, being entitled "An Act to Provide for the Collection of Taxes in the City of Charlotte and the County of Mecklenburg," ratified March third, one thousand nine hundred and thirty-one, be and the same is hereby amended by striking out section ten therefrom, and inserting in lieu thereof as section ten the following: H. B. No. 594, Public-Local Laws 1931, amended.

"SEC. 10. That the present tax collectors for Tax Collection Districts Numbers One and Three, of and for Mecklenburg County, as now provided by law, and their duly elected suc- Collection of taxes by district collectors in Mecklenburg County.

- cessors in office, shall collect the taxes for the tax years one thousand nine hundred and thirty-one, ending September thirtieth, one thousand nine hundred and thirty-two, and one thousand nine hundred and thirty-two, ending September thirtieth, one thousand nine hundred and thirty-three, in their respective districts, as now constituted; and the tax collector for District Number Three shall for the tax years one thousand nine hundred and thirty-one, ending September thirtieth, one thousand nine hundred and thirty-two, and one thousand nine hundred and thirty-two, ending September thirtieth, one thousand nine hundred and thirty-three, collect taxes in that portion of Charlotte Township which lies outside of the limits of the City of Charlotte. That said duly elected tax collectors for Districts One and Three, namely Frank G. Barnett and E. J. Price, shall receive as their compensation for the collection of taxes in their respective districts the sum of three thousand dollars each for each of the tax years one thousand nine hundred and thirty-one and one thousand nine hundred and thirty-two, as above designated, payable monthly; said salaries shall be in lieu of all other compensation for collection of taxes; and the said tax collectors shall give bond for the faithful performance of their duties and the accounting for taxes collected by them, as now or hereafter provided by law, said bond to be filed with the board of county commissioners: *Provided, however*, that stamps, office supplies and premiums on tax bonds shall be paid by the county out of the general fund: *Provided, further*, that the said tax collectors for Districts Number One and Three shall, on the first day of October, one thousand nine hundred and thirty-three, or as soon thereafter as the board of county commissioners may require, settle with the county commissioners for all taxes collected to that date, and the tax books upon that date shall be turned over to the tax collector of Mecklenburg County, as hereinafter provided for, and said tax collector shall collect the balance of the taxes due or to become due by the taxpayers in the said Districts Numbers One and Three."
- SEC. 2. That said act be further amended by striking out section eleven, and inserting in lieu thereof as section eleven the following:
- "SEC. 11. That there is hereby created the office of Tax Collector of Mecklenburg County, which said tax collector shall be nominated and elected as now provided for the election of Members of the General Assembly, and shall be a resident of the County of Mecklenburg outside of the City of Charlotte, who shall be nominated and elected in the year one thousand nine hundred and thirty-two, and take office and collect taxes for a term of two years from the first day of October, one thousand nine hundred and thirty-three, and until his successor shall be elected and qualified, as provided by law, except in the case of
- Compensation,
\$3,000 each.
- Bond.
- Necessary ex-
penses allowed.
- Settlement in
1933.
- Law again
amended.
- Creation of office
of Tax Collector.
- Election of.
- Duties.

his death, resignation or removal, in which event, the County Commissioners shall appoint his successor until the next county election and the election of his successor. That said Tax Collector for Mecklenburg County shall receive for his compensation the sum of one per cent of the total amount of all taxes collected, plus costs of stamps, office supplies and premiums on tax bonds, which compensation shall be in lieu of all other compensation, and he shall receive the same commission for the collection of all special assessments and special taxes collected, and shall collect, account for, pay over, and settle all county, local, special, license taxes, special assessments and State taxes, if any, under and by virtue of the law prescribed for the collection and settlement of taxes by sheriffs or other tax collectors; and before entering upon the discharge of his duties he shall execute and file with the board of county commissioners of said county such tax bonds as are now or may be prescribed by law; and shall take and prescribe the oath of office provided by law for tax collectors. It is hereby expressly provided and required that the said tax collector shall collect county license taxes, as provided by law, upon business, trades and professions conducted and maintained outside of the limits of the City of Charlotte. All such taxes upon business, trades and professions within the city of Charlotte shall be collected by the said City-County Tax Collector: *Provided, however,* that should the taxes be so reduced by the taking over by the State of the County roads and the six months school term, as to make the compensation of one per cent upon the amount of taxes collected inadequate, then the Board of Commissioners of Mecklenburg County shall fix a reasonable compensation for said tax collector, which compensation shall not exceed four thousand dollars per annum, the cost of his office supplies, stamps and bond premiums.

SEC. 3. That this act shall take effect from and after the date of its ratification.

Ratified this the 7th day of April, A.D., 1931.

CHAPTER 363

AN ACT WITH RESPECT TO THE DUTIES OF STATE FARM DEMONSTRATION AGENTS FOR HALIFAX COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the State Farm Demonstration Agent, assigned to or employed by Halifax County, may vaccinate hogs for cholera with either or both hog cholera serums.

Ratified this the 7th day of April, A.D., 1931.

Vacancy appointments.

Compensation, 1% and necessary expenses.

Settlements.

Bond.

Collection of license taxes.

Maximum compensation, \$4,000.

Vaccination of hogs in Halifax County.

CHAPTER 364

AN ACT TO AMEND CHAPTER FOUR HUNDRED AND THIRTY-SIX, PUBLIC-LOCAL LAWS OF NINETEEN HUNDRED AND TWENTY-THREE, BY EXCEPTING RUTHERFORD COUNTY THEREFROM, AND TO AMEND CHAPTER ONE HUNDRED AND NINETY, PUBLIC-LOCAL LAWS OF NINETEEN HUNDRED AND TWENTY-SEVEN, BY EXCEPTING McDOWELL COUNTY THEREFROM.

The General Assembly of North Carolina do enact:

Ch. 436, Public-Local Laws 1923, amended, excepting Rutherford County from law on weight of meal and flour.

Ch. 190, Public-Local Laws 1927, amended, excepting McDowell County from same law.

Conflicting laws repealed.

SECTION 1. That section nine of chapter four hundred and thirty-six, Public-Local Laws of nineteen hundred and twenty-three, be and the same is hereby amended by striking out the word "Rutherford" in said section.

SEC. 2. That section one of chapter one hundred and ninety, Public-Local Laws of nineteen hundred and twenty-seven, be and the same is hereby amended by striking out the word "McDowell" in the last line of said section.

SEC. 3. That all laws in conflict with this act are hereby repealed.

SEC. 4. This act shall be in force from and after its ratification.

Ratified this the 7th day of April, A.D., 1931.

CHAPTER 365

AN ACT TO AUTHORIZE THE SCHOOL AUTHORITIES AND COUNTY AUDITOR OF DUPLIN COUNTY TO ISSUE CERTIFICATES OF INDEBTEDNESS TO TEACHERS.

The General Assembly of North Carolina do enact:

Vouchers issuable to school teachers in Duplin County.

SECTION 1. That the Board of Education of Duplin County, the Superintendent of Public Instruction, and the County Auditor of said County, and/or any Board of School Committeemen of any Local Taxing School District of Duplin County, be and they are hereby fully authorized and empowered in their discretion to issue to the school teachers employed in the public schools of said county for the six months term, and/or to any teachers employed in any Local Taxing School District for any extended term, certificates of indebtedness or warrants, drawn upon the Treasurer of Duplin County, in payment of salaries of the school teachers for any part of the six months term, or for any extended term.

SEC. 2. That said certificates of indebtedness, or warrants or vouchers, shall be issued in such form as the Auditor of Duplin County may determine; that said certificates, vouchers or warrants shall state on their face that they are payable only out of the current expense fund for school teachers salaries, if for any part of the six months term, and/or out of local school taxes levied in any district, if for the extended term; and shall only be payable by the Treasurer of Duplin County when the funds derived from said taxes from the current expense fund for teachers for the six months term, and/or only when the funds derived from said Local School taxes in any district are available for said purposes.

Form of vouchers.

Payable out of current school expense fund.

When payable.

SEC. 3. That when any of the said certificates of indebtedness, warrants or vouchers herein authorized have been duly issued, they shall constitute the legal and valid obligations of Duplin County (if issued for any part of the six months term) and/or of any Local Taxing School District of Duplin (if issued for any part of the extended term), and they shall be a direct charge against the proceeds of the current expense fund for the payment of school teachers for the six months term, and/or against the proceeds of the local taxes levied in any Local Taxing District, for the present fiscal school year (one thousand nine hundred thirty, one thousand nine hundred thirty-one); and it shall be lawful for said certificates of indebtedness, warrants or vouchers to be issued in negotiable form, as the County Auditor of Duplin County may determine.

Made legal and binding County obligations.

Negotiability.

SEC. 4. That said certificates of indebtedness, warrants or vouchers authorized by this act shall only apply to the payment of the salaries of school teachers, for the remaining unpaid portion for the six months term, and/or to all or any part of the salaries of school teachers in any Local Taxing School District for the extended school term, for the present school year (one thousand nine hundred thirty, one thousand nine hundred thirty-one).

Applicable only to unpaid portion of present term.

SEC. 5. That the Board of Commissioners may in their discretion relieve school teachers and other employees of Duplin County, from the penalties and interest accruing on taxes, where the county is indebted to said parties, the reduction to be made from the maturity of the obligation by the county.

Relief of teachers to whom County is indebted for tax penalties.

SEC. 6. That all laws and parts of laws inconsistent with the provisions of this Act be and the same are hereby repealed.

Conflicting laws repealed.

SEC. 7. That this act shall take effect upon its ratification if ratified subsequent to April first, one thousand nine hundred thirty-one, and if ratified prior to April first, one thousand nine hundred thirty-one, this act shall be in force from and after April first, one thousand nine hundred thirty-one.

Effective April 1, 1931.

Ratified this the 7th day of April, A.D., 1931.

CHAPTER 366

AN ACT RELATIVE TO WORKING PRISONERS SENTENCED TO JAIL IN NEW HANOVER COUNTY UPON THE PUBLIC WORKS, DRAINS AND SWAMPS OF SAID COUNTY.

The General Assembly of North Carolina do enact:

Working of prisoners on various public works in New Hanover County.

SECTION 1. That all convicts or prisoners sentenced by courts of competent authority to the jail of New Hanover County for a period of sixty days, or less, may be worked by the Board of Commissioners of said County in canalizing the main drains and swamps of said County, or at the County Home, and/or County Farm, or on other public works of the County.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this act be, and the same are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 7th day of April, A.D., 1931.

CHAPTER 367

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS AND BOARD OF EDUCATION OF WILKES COUNTY TO PROVIDE IN THE NEXT BUDGET FOR PAYMENT OF PUBLIC SCHOOL TEACHERS BALANCE DUE THEM FOR THIS FISCAL YEAR.

Preamble: Insufficient funds in Wilkes County to pay teachers for current school year.

Whereas, an insufficient amount of money was levied and collected to take care of the full six months school term in Wilkes County for the fiscal year July first, one thousand nine hundred thirty, to June thirtieth, one thousand nine hundred thirty-one; and

Whereas, certain public school teachers in said county were employed for six months and performed their full contract in teaching said length of time, but on account of insufficient funds levied and collected were not paid for the last two weeks of said period: *Now, therefore*,

The General Assembly of North Carolina do enact:

Provision made for such payment.

SECTION 1. That the Board of Commissioners and Board of Education of Wilkes County are hereby authorized, empowered and directed to provide in the next county school budget a sufficient amount to pay the aforesaid public school teachers in Wilkes County the balance due them for said services performed as teachers in said schools for the period of six months during the present fiscal year for which they were employed.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this act shall be in full force and effect from and after its ratification.

Ratified this the 7th day of April, A.D., 1931.

CHAPTER 368

AN ACT TO AMEND CHAPTER TWO HUNDRED AND FIFTY-EIGHT, PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-SEVEN, RELATING TO EXTRA COMPENSATION OF THE COUNTY COMMISSIONERS OF MITCHELL COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter two hundred and fifty-eight, Public-Local Laws of one thousand nine hundred and twenty-seven, relating to extra compensation of the County Commissioners of Mitchell County, be and the same is amended by striking out section two thereof.

Ch. 258, Public-Local Laws 1927, amended, relative to extra compensation of Mitchell County Commissioners.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this act shall be in full force and effect from and after the first day of July, one thousand nine hundred and thirty-one.

Effective July 1, 1931.

Ratified this the 8th day of April, A.D., 1931.

CHAPTER 369

AN ACT TO VALIDATE CERTAIN REFUNDING BONDS OF GREENE COUNTY.

Whereas, by chapter number six hundred and ninety-four of the Public-Local Laws of one thousand nine hundred and twenty-seven, the Commissioners of Greene County were forbidden to issue any bonds on said County without the approval of the qualified voters of said County, and

Preamble: Validity of \$350,000 in Greene County bonds in question.

Whereas, said act has been repealed by the General Assembly of one thousand nine hundred and thirty-one, and

Whereas, on the thirtieth day of September, one thousand nine hundred and thirty, the Board of County Commissioners of Greene County authorized the issue and sale of three hundred and fifty thousand (\$350,000.00) dollars of Refunding Bonds of said County, which said bonds have been issued under said authorization; and

Whereas, there is some question of the validity of said bonds on account of the said chapter number six hundred and ninety-four of Public-Local Laws of one thousand nine hundred and

twenty-seven not being repealed before the authorization of said bonds on September thirtieth, one thousand nine hundred and thirty, *Now, therefore,*

The General Assembly of North Carolina do enact:

Bond issue validated.

SECTION 1. That the issuance and sale of three hundred and fifty thousand (\$350,000.00) dollars refunding bonds of Greene County as authorized by the Commissioners of Greene County, September thirtieth, one thousand nine hundred and thirty, shall not be affected by the fact of the existence of the law set out in chapter number six hundred and ninety-four in the Public-Local Laws of one thousand nine hundred and twenty-seven, and as to any restrictions in said act, the said bonds are hereby validated.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 3. That this act shall be in force and effect from and after its ratification.

Ratified this the 8th day of April, A.D., 1931.

CHAPTER 370

AN ACT TO REQUIRE REDUCTION OF SALARIES, WAGES, FEES OR OTHER COMPENSATION PAID FOR PUBLIC SERVICES OUT OF PUBLIC FUNDS IN THE COUNTY OF ROBESON.

The General Assembly of North Carolina do enact:

Salary and wage reduction of 10% for Robeson County directed.

To be provided for in next budget.

SECTION 1. That, in making the budget of Robeson County, there shall be provided a salary fund which shall be ten per cent (10%) less than that in effect on December first, one thousand nine hundred thirty, and no such budget appropriation shall be in any way exceeded during the fiscal years nineteen hundred thirty-one, thirty-two (1931-32) and nineteen hundred thirty-two, thirty-three (1932-33). If, however, there have been reductions in the salaries, wages, fees or other compensation paid for personal services out of the public funds of Robeson County to any or all officers, employees, agents of said county during the year one thousand nine hundred thirty to the amount of ten per cent (10%) for individuals, then the budgetary appropriation for salaries shall take into consideration this reduction in determining the gross sum to be appropriated for salaries. It shall be unlawful for any board, commission or governmental body to include in their budget appropriation for salaries more than ninety per cent (90%) of the salaries effective and outstanding on the first day of December, one thousand nine hundred thirty, with the modification to this requirement herein stated; and it shall be unlawful for such boards, etc., to levy a tax to meet the requirements of salaries which will produce more than ninety per cent (90%) of the amount

Unlawful not to make reduction.

To be reflected in tax levy.

paid for salaries on December first, one thousand nine hundred thirty. It shall be unlawful for any disbursing officer, fiscal agent or treasurer to pay out a gross sum for salaries more than that budgeted and appropriated in the budget of Robeson County.

The ten per cent (10%) thus saved shall be reflected in the amount of taxes levied for the succeeding years during the biennium.

SEC. 2. This act shall apply in all particulars also to all expense accounts of the officers of Robeson County except that the amount of reduction shall be twenty-five per cent (25%).

Expense accounts
to be reduced
25%.

SEC. 3. That this act shall in no particular apply to the office of sheriff of Robeson County, as the salary attached to that office is such as not to justify the reduction.

Sheriff excepted.

SEC. 4. This act shall take effect from and after its ratification.

Ratified this the 8th day of April, A.D., 1931.

CHAPTER 371

AN ACT TO AMEND CERTAIN STATUTES RELATING TO THE SALARIES OF CERTAIN OFFICERS OF BURKE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section thirteen of chapter one hundred and twenty-six of the Public Laws of the session of one thousand nine hundred twenty-nine be and the same is hereby amended by striking out the words and figures "seventy-five dollars (\$75.00)" in line five thereof and by inserting in lieu thereof the words and figures "one hundred dollars (\$100.00)." That section one of this act shall be effective from and after the first day of April, one thousand nine hundred thirty-one.

Ch. 126, Public
Laws 1929,
amended, relative
to salaries in
Burke County.

Effective April 1,
1931.

SEC. 2. That chapter forty-eight of the Public-Local Laws of the session of one thousand nine hundred twenty-nine be and the same is hereby amended by striking out the words "subject, however, to the qualifications hereinafter set forth" appearing in lines eleven and twelve of section two of said chapter and by repealing section eight of said chapter in so far only as the same pertains to the office of the Clerk of the Superior Court of Burke County, it being the purpose and intent of this act that said Clerk shall receive the salary prescribed by section two of said chapter free and clear of the restrictions and qualifications mentioned in section eight thereof: That this section of this act shall be effective from and after and as of the first day of January, one thousand nine hundred thirty-one.

Ch. 48, Public-
Local Laws 1929,
amended.

Restrictions on
salary of Clerk
of Court removed.

Effective January
1, 1931.

- Salary and expenses of Sheriff. SEC. 3. That the Sheriff of Burke County shall receive the salary mentioned in section four of chapter forty-eight of the Public-Local Laws of the session of one thousand nine hundred twenty-nine and shall be entitled to the allowances made therein for transportation costs and upkeep of car and for full time deputy and for office deputy as and for full compensation for all services rendered by him as tax collector of Burke County. That in addition thereto the said Sheriff and his deputies shall be entitled to have and receive any and all fees fixed by law for the performance of the duties of said office other than and exclusive of the fees and commissions heretofore allowed for the collection of taxes and the said sheriff and his deputies shall not account to the county or be charged with the fees accruing from the performance of the duties of said office other than the fees and commissions heretofore allowed by law for the collection of the taxes of said county. That the Sheriff of Burke County may appoint in said county and in the several townships thereof such deputies as he deems advisable for the performance of the duties of his office and such deputies so appointed by said Sheriff shall have and receive for their services the fees fixed by law other than and exclusive of the fees and commissions heretofore allowed by law for the collection of taxes in said county. That all provisions of sections one, four and five of chapter forty-eight of the Public-Local Laws of the session of one thousand nine hundred twenty-nine inconsistent with the provisions of this act are hereby amended so as to conform thereto and all provisions of said chapter limiting or abridging the power of said Sheriff to appoint deputies are hereby repealed. That this section of this act shall be in force and effect from and after the first day of April, one thousand nine hundred thirty-one.
- Allowed fees collected.
- Appointment of deputies.
- Fees allowed.
- Effective April 1, 1931.
- Commissioners may reduce salaries 10%.
- Conflicting laws repealed.
- SEC. 4. The Board of Commissioners of Burke County, in the exercise of their discretion may reduce the salaries of any or all of the officers of said county fixed by the terms of this statute or any other statute to the extent of not exceeding ten per cent of such salary or salaries: *Provided, however,* that nothing in this act shall be construed to restrict any power heretofore existing in said board of commissioners to reduce the salary of any officer of said county.
- SEC. 5. That all laws and clauses of laws inconsistent herewith are hereby repealed.
- SEC. 6. That this act shall be in force and effect from and after its ratification.
- Ratified this the 9th day of April, A.D. 1931.

CHAPTER 372

AN ACT TO SUBSTITUTE POSTED NOTICES FOR NEWSPAPER NOTICES OF PUBLIC SALES AND FORECLOSURES IN HYDE COUNTY AND GATES COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That in all cases in which public sales of land or personal property lying and being in Hyde County and Gates County are required to be had and made under power in mortgages and deeds of trust and for notice to defendants in attachment proceedings or under executions or judicial orders or decrees or for sales by Sheriffs or other tax collecting officers for delinquent taxes or assessments and wherever any official report or statement is required to be published where under the general law of this State the form of notice prescribed is, in whole or in part, by newspaper publication, it is declared to be sufficient that notice be given by writing posted at the courthouse door and in each and every township in Hyde County and Gates County, at a public and conspicuous place, for such time as is already prescribed by the general law, and newspaper publication is declared to be unnecessary.

Foreclosure, judicial and tax sales may be advertised in Hyde and Gates Counties by posted notices in lieu of newspapers.

Method of posting.

SEC. 2. That titles based upon sales made as directed by this act are hereby declared to be valid as to such notices and service of summons by such publication is declared to be sufficient to make the defendant regularly a party to the action, and all official reports, acts and things required to be published in Hyde County and Gates County are hereby declared to be lawfully published and in all respects sufficient, if published under the provisions and according to the directions of this act.

Titles based on such notices validated.

SEC. 3. That this act shall apply only to Hyde County and Gates County.

SEC. 4. That this act shall be in full force from and after its ratification.

Ratified this the 9th day of April, A.D. 1931.

CHAPTER 373

AN ACT TO AMEND THE CHARTER OF THE CITY OF SALUDA, POLK COUNTY, SO AS TO EXTEND THE BOUNDARIES THEREOF.

The General Assembly of North Carolina do enact:

SECTION 1. That the boundary lines of the city of Saluda shall be extended to embrace all territory described as follows:

New territory annexed in Saluda.

Beginning at an iron pin at the intersection of the eastern and northern margins of the corporate limits of said city, and

Description.

running thence from said iron pin East one thousand four hundred and eighty-five feet to an iron pin; thence due South six thousand six hundred feet to an iron pin; thence West one thousand four hundred and eighty-five feet to an iron pin at intersection of the eastern and southern boundary line; thence North six thousand six hundred feet to the beginning, said boundary lines being by horizontal measurement and situate and adjoining the eastern boundary of the old city limit boundary.

Extension sub-
mitted to voters.

Time of election.

New registration.

Election officials.

Election notices.

Ballots.

Will of voters to
determine.

Levy of taxes in
new territory.

SEC. 2. That before said extension of the corporate limits shall go into effect, the city council shall call a special election to be held on the first Tuesday after the first Monday in July, one thousand nine hundred and thirty-one, and the annexation of the territory described in section one shall be submitted to the vote of the qualified voters of the said city of Saluda and the territory proposed to be annexed, voting together; that a new or special registration of voters for said city and the territory proposed to be annexed for registration shall be had thirty days before the first Tuesday after the first Monday in July, one thousand nine hundred and thirty-one; that the registrar and judges of said special election shall be appointed by the city council of the city of Saluda for the purpose of a new registration and for the holding of the said election as is prescribed by law as in municipal elections; that notice of the registration and election shall be posted in front of the City Hall of the city of Saluda and published in the county paper for four consecutive weeks prior to the calling of the new registration, setting out the proposed extension, the date of registration and election.

SEC. 3. That at this special election those voters who favor extending the corporate limits as herein provided shall vote ballots on which are written or printed the words: "For extension," and those opposing shall vote ballots on which are written or printed the words: "Against extension." If at such election a majority of the qualified voters shall be for extending, then from and after the date of such election the territory described in section two of this act shall be a part of the corporate limits of said city; and such territory and its citizens and property shall be subject to all laws, ordinances and regulations in force in said city and shall also be entitled to the said privileges and benefits as other parts of said city.

SEC. 4. That if said city limits are extended as set out in this act, there shall be levied in the territory so annexed to said city the same tax for all purposes that is collected in the old limits of said city, and that said tax levy shall apply and be a lien as of April first, one thousand nine hundred and thirty-one, on said territory so annexed.

SEC. 5. That all laws and clauses of laws in conflict with this act are hereby repealed.

Conflicting laws repealed.

SEC. 6. That this act shall be in full force and effect from and after its ratification.

Ratified this the 9th day of April, A.D. 1931.

CHAPTER 374

AN ACT TO FIX AND REGULATE THE SALARIES OF THE SUPERINTENDENT OF SCHOOLS AND COUNTY HEALTH OFFICER OF BLADEN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. The superintendent of schools of Bladen County shall be paid and receive an annual salary of two thousand five hundred dollars, payable monthly, which shall be in full compensation of all of his services as such superintendent of schools, public welfare officer, and for the performance of any and all of the duties of his position and office in such capacities, and of any and all other duties that may now or hereafter be conferred upon him by law.

Salary of Bladen County Superintendent of Schools.

SEC. 2. That the superintendent of schools of Bladen County shall be allowed only one clerk or assistant in his office, the salary for such clerk or assistant to be eight hundred dollars per year, payable monthly, or in lieu of employment of such clerk or assistant and payment of such salary to him, the said superintendent of schools may elect to receive the said eight hundred dollars in addition to the salary named for him in section one hereof, and for such additional salary of eight hundred dollars perform the other duties of such office usually performed by a clerk.

Allowed \$800 for clerk hire.

Superintendent may elect to act as own clerk.

SEC. 3. That there shall be allowed the said superintendent of schools of Bladen County five cents per mile for travel by him in the performance of his duties as superintendent of schools or public welfare officer of said county, the said mileage allowance to be paid to him monthly upon statements sworn to by him and rendered to the board of education of Bladen County.

Superintendent allowed mileage at 5c.

SEC. 4. That the county health officer of Bladen County shall receive an annual salary of three thousand dollars, payable in monthly installments, which shall be in full compensation for the performance of his duties in such position and office, and for said compensation he shall perform all of the duties of such position and office which are or may be hereafter prescribed by law.

Salary of Health Officer, \$3000.

SEC. 5. That the county health nurse employed in Bladen County shall receive an annual salary of one thousand two hundred dollars, payable monthly, which shall be in full compensation for her services in such position or employment, and for

Salary of Health Nurse, \$1200.

such compensation she shall perform all the duties of such position or employment which are or may be hereafter prescribed by law.

Appropriation to Health Department.

SEC. 6. That the board of commissioners of Bladen County shall make an annual appropriation to the office of the county health officer for office supplies in the sum of one hundred dollars and for equipment in the sum of one hundred dollars, and no greater amount shall be spent annually for such purposes by said office.

Mileage at 5c allowed Health Officer and Nurse.

SEC. 7. That the county health officer and the county health nurse in Bladen County shall each be allowed the sum of five cents per mile while engaged in travel in the performance of their duties and work, but when both travel on the same trip, only one mileage shall be charged and paid.

Conflicting laws repealed.

SEC. 8. All laws and clauses of laws in conflict with this act are hereby repealed.

Effective July 1, 1931.

SEC. 9. This act shall be in force and effect from and after the first day of July, one thousand nine hundred thirty-one, and shall not be construed to be repealed by any general act passed by the General Assembly of one thousand nine hundred thirty-one, relating to or fixing salaries, expenses or compensation of the officers or employees herein referred to.

May not be repealed by other 1931 Acts.

Ratified this the 10th day of April, A.D., 1931.

CHAPTER 375

AN ACT TO PROVIDE FOR A SPECIAL RURAL POLICEMAN FOR WILKES COUNTY.

The General Assembly of North Carolina do enact:

Rural policeman authorized for Wilkes County.

SECTION 1. That there is hereby created the office of special rural policeman for Wilkes County which office shall be under the direction and supervision of the sheriff of said county. The said rural policeman shall have the same powers as a regular deputy sheriff and shall have special police authority in enforcing the prohibition and other laws in the various school districts of the county.

Powers and duties.

SEC. 2. That Oid Wiles be and he is hereby appointed special rural policeman for the county of Wilkes to serve for a term of two years from the first day of April, one thousand nine hundred and thirty-one.

Appointment of policeman.
Term of office.
Compensation, \$50 per month.

SEC. 3. That the said rural policeman shall receive for his services as such rural policeman the sum of fifty dollars per month to be paid out of the general county fund, in addition to the fees allowed him as a regular deputy.

Also fees collected.

SEC. 4. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Conflicting laws repealed.

SEC. 5. That this act shall be in full force and effect from and after its ratification.

Ratified this the 10th day of April, A.D., 1931.

CHAPTER 376

AN ACT TO ALLOW THE COUNTY COMMISSIONERS OF MONTGOMERY COUNTY TO AID IN REOPENING THE BANK OF MONTGOMERY.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of County Commissioners of Montgomery County, be and they are hereby fully authorized and empowered to make and enter into a contract with the Bank of Montgomery at Troy, its directors and stockholders, to freeze or not demand the public funds of Montgomery County now on deposit in said bank for a like period of time and under the same conditions to which other depositors may agree.

Montgomery County to aid in re-opening Bank of Montgomery by freezing deposits.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this act shall be in full force and effect from and after its ratification.

Ratified this the 10th day of April, A.D., 1931.

CHAPTER 377

AN ACT RELATIVE TO THE COLLECTION OF FEES FOR SERVICE OF PROCESS BY THE SHERIFF OF WAYNE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. The Sheriff of Wayne County, North Carolina, shall be entitled to the same fees for service of process in Goldsboro Township as he is entitled to for service of process in other Townships in said Wayne County.

Process fees of Wayne County Sheriff in Goldsboro Township.

SEC. 2. That all laws and clauses of laws in conflict with this act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this act shall be in force and effect from and after its ratification.

Ratified this the 10th day of April, A.D., 1931.

CHAPTER 378

AN ACT TO AMEND SECTION THREE CHAPTER EIGHTY-FOUR OF THE PUBLIC-LOCAL LAWS ONE THOUSAND NINE HUNDRED AND TWENTY-FIVE, RELATING TO DEPUTY SHERIFFS.

The General Assembly of North Carolina do enact:

Ch. 84, Public-Local Laws 1925; and H. B. No. 454, Public-Local Laws 1931, amended.

Employment of deputy sheriffs in Union County in emergencies.

Compensation.

Declaration of emergency.

SECTION 1. That section three (3) of chapter eighty-four (84) Public-Local Laws one thousand nine hundred and twenty-five (1925) as amended by House Bill number four hundred and fifty-four at the present session be, and the same is, hereby further amended by adding at the end thereof the following:

"The Board of Commissioners of Union County, however, may from time to time, as an emergency arises, employ one or more of these deputies to do other work, with the compensation to be fixed by them at not exceeding one hundred (\$100) dollars per month for the actual time employed, such sum to be paid out of the general funds of the county.

"Before the said Board shall have this authority, however, they shall declare that such emergency exists and enter the facts upon which it is based upon their minutes."

SEC. 2. This act shall be in full force and effect from and after its ratification.

Ratified this the 10th day of April, A.D., 1931.

CHAPTER 379

AN ACT TO ALLOW THE SHERIFF OF MONTGOMERY COUNTY TO COLLECT BACK TAXES.

The General Assembly of North Carolina do enact:

Montgomery County Sheriff authorized to collect certain back taxes.

Authority expires January 1, 1933.

SECTION 1. That C. C. Howell, Sheriff of Montgomery County, who by virtue of his office has had the tax lists for the purpose of collecting taxes in said county for the years one thousand nine hundred and twenty-seven, one thousand nine hundred and twenty-eight, one thousand nine hundred and twenty-nine, and in case of his death or default in collection, his personal representative, is hereby authorized and empowered to collect arrears of taxes for each of the years aforesaid, under such rules and regulations as are now, or may hereafter be provided for the collection of taxes.

SEC. 2. That the authority herein given shall cease and determine on the first day of January, one thousand nine hundred and thirty-three.

SEC. 3. That this act shall be in full force and effect from and after its ratification.

Ratified this the 10th day of April, A.D., 1931.

CHAPTER 380

AN ACT TO PROVIDE FOR THE CONTROL, EMPLOYMENT AND WORKING OF CONVICTS BY THE BOARD OF COMMISSIONERS OF ANSON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of commissioners of Anson County be, and they are hereby, authorized and empowered in the exercise of their discretion to build, construct and erect such stockade or other structures or buildings as they may deem necessary for the confinement of prisoners within said county upon any farm or property now or hereafter owned or acquired by said county, or which may be leased or operated by said board for such purpose, and to employ such convicts in the cultivation of crops or working upon any such farm or other property owned, leased or operated by said board.

Anson County authorized to build prison stockade.

Prisoners may be required to cultivate crops.

SEC. 2. That whenever any person convicted in any of the courts of Anson County shall be sentenced by the presiding judge or officer of said court to serve a term of less than sixty days in the jail of said county, said person or prisoner may, in the discretion of the board of commissioners of Anson County, be required to work on the public roads thereof, or in cultivation of any crop or upon any farm owned leased or operated by said county.

Sentencing of prisoners to roads or to work on crops.

SEC. 3. This act shall be in force and effect from and after its ratification.

Ratified this the 10th day of April, A.D., 1931.

CHAPTER 381

AN ACT TO PROVIDE FOR THE PAYMENT OF PROPERTY TAXES DUE PENDER COUNTY IN INSTALLMENTS.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Commissioners of Pender County may provide by recorded resolution for the payment of property taxes of the levy of year one thousand nine hundred and thirty-one, and of any subsequent levy, by the taxpayers of the county in four equal installments, but poll tax and/or dog tax assessed against any taxpayer shall be included and paid in the first installment.

Payment of taxes in Pender County in four installments.

Exceptions.

SEC. 2. Each taxpayer of the county shall be given a number for identification and the tax receipts shall be prepared in at least duplicate form and shall provide for three installment

Form of tax receipts.

coupons to be detached upon payment of the amount thereof. Upon payment of fourth installment, the taxpayers shall be received in full: *Provided*, all other installments have been paid. Each installment coupon shall show at least the following:

- (a) The taxpayer's number.
- (b) The number of the installment.
- (c) The year for which the taxes are levied.
- (d) The name of the County and Township.
- (e) The total amount of the installment.
- (f) Due date of installments.

Contents of
installment
coupons.

Minimum
installment, \$5.

No installment coupon of property taxes shall be for less than five dollars.

Privilege not
allowed those
who fail to list
on time.

SEC. 3. That any taxpayer who has failed to list his property for taxes within the time allowed by law shall not be permitted to pay his taxes by installments as provided by this act.

Due dates of
installments.

SEC. 4. The tax coupon number one shall be due and payable on or before the fifteenth day of October of each year. Tax coupon number two shall be due and payable on or before the fifteenth day of December each year. Tax coupon number three shall be due and payable on or before February fifteenth of each year. The original tax certificate or the last installment shall be due on or before the fifteenth day of April of each year.

Discount if paid
by October 15.

SEC. 5. That upon payment of all taxes due the county (including all installments) by any taxpayer on or before the fifteenth day of October in each year, such taxpayer shall be allowed a discount of one per cent of said taxes. No discounts shall be allowed on taxes paid after October fifteenth of each year, but the penalties as now provided by law shall be imposed on any installments of taxes which are not paid on or before their due dates.

Penalties.

SEC. 6. The personal property of any taxpayer shall be subject to levy and sale by the tax collector of Pender County for the satisfaction of all taxes of said taxpayer in case of default in payment of the first and second installment, but the tax collector shall not levy or offer for sale the personal property of any taxpayer who has complied with this act by paying installments as they became due.

Levy and sale
of personal
property for
non-payment.

SEC. 7. That all laws and clauses of laws in conflict with the provisions of this act be and the same are hereby repealed.

Conflicting laws
repealed.

SEC. 8. This act shall be in full force and effect from and after its ratification.

Ratified this the 13th day of April, A.D., 1931.

CHAPTER 382

AN ACT TO VALIDATE THE ACTS OF THE BOARD OF COUNTY COMMISSIONERS OF POLK COUNTY, IN RELATION TO THE TAX LISTS OF ONE THOUSAND NINE HUNDRED THIRTY.

Whereas, for certain reasons the tax list in Polk County was not placed in the hands of the sheriff for collection until the first Monday in December, one thousand nine hundred thirty, and

Whereas, some doubts have been expressed as to whether such tax list, so delayed, is valid for all purposes, *Therefore*,

The General Assembly of North Carolina do enact:

SECTION 1. That the tax list of Polk County, in the hands of the sheriff or tax collector, though not turned over to them until the first Monday in December, one thousand nine hundred thirty, is hereby declared to be as valid for all purposes as though it had been turned over to them on October first, as required by law.

SEC. 2. That all the acts of the county authorities, in relation to the collection of such tax list heretofore taken, be and the same are hereby validated.

SEC. 3. This act shall be in full force and effect from and after its ratification.

Ratified this the 13th day of April, A.D., 1931.

Preamble:
Turning over of
Polk County tax
list after time
required by law.

Tax list
validated.

Tax collections
also validated.

CHAPTER 383

AN ACT TO EXTEND THE TIME FOR FORECLOSURE FOR SPECIAL ASSESSMENTS OF DRUID HILLS SANITARY AND MAINTENANCE DISTRICT IN HENDERSON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the time for bringing actions to foreclose one thousand nine hundred twenty-eight tax certificates of delinquents for special assessments of Druid Hills Sanitary and Maintenance District in Henderson County, said district established under Chapter two hundred twenty-nine, Private Laws of one thousand nine hundred twenty-seven, is hereby extended to December first, one thousand nine hundred thirty-one.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 3. That this act shall be in full force and effect from and after its ratification.

Ratified this the 13th day of April, A.D., 1931.

Time for
foreclosing
special
assessments in
Druid Hills
Sanitary and
Maintenance
District,
Henderson
County,
extended.
Conflicting laws
repealed.

CHAPTER 384

AN ACT TO REQUIRE THE TAX COLLECTOR OF HYDE COUNTY TO ACCEPT PARTIAL PAYMENTS OF TAXES.

The General Assembly of North Carolina do enact:

Payment of taxes in installments authorized in Hyde County.

SECTION 1. That the sheriff or tax collector and other deputy tax collectors of Hyde County be, and they are hereby authorized, directed and required to accept partial payments on taxes of not less than twenty-five per cent of the total amount of taxes due in all forms or classes of taxes to be collected by the sheriff or tax collector of Hyde County.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 3. That this act shall be in full force and effect from and after its ratification.

Ratified this the 13th day of April, A.D., 1931.

CHAPTER 385

AN ACT TO FURNISH ADEQUATE POLICE PROTECTION TO THE VILLAGE OF HEMP IN MOORE COUNTY.

The General Assembly of North Carolina do enact:

Police protection furnished by Sheriff of Moore County to Village of Hemp. Power and authority.

SECTION 1. That the sheriff of Moore County, and any one of his deputies, shall, within the territory in Moore County within one-half mile of the Public Elementary and High School building in what is known as the village of Hemp in said County, have the same power and authority as policemen in incorporated cities and towns in the State have and exercise; and pending the trial of persons arrested and charged with crime of any character, such arrested persons as shall not give bail as provided by law, may be detained and confined in such guardhouse or calaboose within such territory as may be provided or designated for that purpose by any one of such officers.

Compensation of officer designated.

SEC. 2. That it shall be lawful to supplement the salary or fees of any deputy sheriff appointed or employed for service in the territory aforesaid described, from gifts or contributions from private persons or corporations to the end that adequate police protection be furnished for the inhabitants of such territory.

Conflicting laws repealed.

SEC. 3. That all laws in conflict with the provisions of this act are hereby repealed.

SEC. 4. That this act shall be in force and effect from and after its ratification.

Ratified this the 13th day of April, A.D., 1931.

CHAPTER 386

AN ACT RELATING TO TAX COLLECTOR AND AUDITOR
OF COLUMBUS COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of County Commissioners shall annually on the first Monday in October employ a tax collector for Columbus County to collect the taxes for said county. Annual employment of tax collector for Columbus County.

SEC. 2. That D. L. Gore, present tax collector for Columbus County to collect one thousand nine hundred thirty taxes, shall continue to hold said office under the same contract and surety bond now in effect. Retention of present collector as to 1930 taxes.

SEC. 3. That the auditor of Columbus County shall turn over all tax sale certificates which are at present not foreclosable to the tax collector for collection, and future similar tax sale certificates likewise shall be turned over to said tax collector for collection. Surrender of tax sale certificates to tax collector.

SEC. 4. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed. Conflicting laws repealed.

SEC. 5. That this act shall be in full force and effect from and after its ratification.

Ratified this the 13th day of April, A.D., 1931.

CHAPTER 387

AN ACT TO PROVIDE ADDITIONAL FILING EQUIPMENT
FOR THE RECORDER'S COURT OF DURHAM
COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of County Commissioners of the County of Durham, shall provide additional filing equipment for the purpose of filing the oldest records of the Recorder's Court of Durham County, said equipment to be installed suitable to the demands of the Recorder's Court. This equipment to be paid for out of the general County Fund of Durham County. Filing equipment provided for Durham County Recorder's Court.

SEC. 2. That the assistant clerk, deputy clerk, and stenographer of the Recorder's Court of Durham County are hereby allowed ten days vacation per year, with pay. And that a substitute for each of the above shall be selected by the Clerk of the Recorder's Court to serve during said vacation periods. That the sum of four dollars per day be paid to the substitute upon the request of the Clerk of the Recorder's Court. That these amounts are to be paid out of the Recorder's Court fund of Durham County. Vacation of employees. Substitutes and compensation.

Conflicting laws
repealed.

SEC. 3. That this act shall apply to Durham County only.

SEC. 4. That all laws and clauses of laws in conflict with the provisions of this act be and the same are hereby repealed.

SEC. 5. That this act shall be in force and effect from and after its ratification.

Ratified this the 13th day of April, A.D., 1931.

CHAPTER 388

AN ACT VALIDATING CERTAIN SCHOOL BUILDING BONDS OF HARNETT COUNTY.

The General Assembly of North Carolina do enact:

Validation
of school
building bonds in
Harnett County.

SECTION 1. The proceedings of the board of county commissioners of Harnett County taken on the seventh day of July, one thousand nine hundred and thirty, authorizing the issue of twenty thousand dollars school building bonds of the county and providing a special tax therefor, are hereby validated, and the said bonds may be issued and tax levied and collected accordingly. The bonds shall be advertised and sold pursuant to The County Finance Act and to chapter two hundred and seventy-seven, Public Laws of one thousand nine hundred and twenty-nine.

Advertisement
and sale.

SEC. 2. This act shall take effect from and after its ratification.

Ratified this the 13th day of April, A.D., 1931.

CHAPTER 389

AN ACT AUTHORIZING THE BOARD OF COUNTY COMMISSIONERS OF CASWELL COUNTY IN THEIR DISCRETION TO WORK PRISONERS UNDER SENTENCE ON THE COUNTY FARM.

Preamble:
Absence of
chain gang in
Caswell County.

Whereas, Caswell County does not maintain a chaingang; and,

Whereas, Caswell County is unable in many instances to assign its prisoners to work on the public roads as provided by law; and

Whereas, Caswell County has a large county home farm and can work its prisoners on said farm; *Now, therefore*,

The General Assembly of North Carolina do enact:

Sentencing of
prisoners to
county home
farm
authorized.

SECTION 1. That the Board of County Commissioners of Caswell County in their discretion may cause to be worked on the county home farm all male prisoners that may be sentenced to jail by a court of competent jurisdiction. That whenever any person or persons are sentenced to work on the public roads of

Caswell County or such other county as the county commissioners may designate, and when said prisoners cannot be worked on the public roads as provided in said sentence; the said prisoner or prisoners may be worked on the county home farm.

SEC. 2. That the board of commissioners shall provide the necessary guards as they may deem necessary to prevent said prisoners from escaping, *Provided*, that said prisoners shall be kept in the county jail at night.

Provision for guarding.

SEC. 3. That the provisions of this act shall not be construed to affect in any way the sentence of prisoners as provided by the State Road Act, which was passed by the General Assembly of one thousand nine hundred thirty-one, and went into effect on April first, one thousand nine hundred thirty-one.

State Road Act unaffected.

SEC. 4. That all laws and clauses of laws in conflict with this act are hereby repealed.

Conflicting laws repealed.

SEC. 5. That this act shall be in force from and after its ratification.

Ratified this the 13th day of April, A.D., 1931.

CHAPTER 390

AN ACT TO AMEND CHAPTER TWO HUNDRED AND FORTY-THREE, PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED ELEVEN, RELATING TO THE PROCEDURE AND JURISDICTION OF THE RECORDER'S COURT OF CLEVELAND COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section six, chapter two hundred and forty-three of the Public-Local Laws of one thousand nine hundred eleven, be and the same is hereby amended by striking out in line seven, in sub-section "i" of said section, the words "Five Hundred Dollars" and substituting in lieu thereof the words "One Thousand Dollars," and by striking out, in line nine, of said sub-section the words "Two Hundred Dollars" and substituting in lieu thereof the words "Five Hundred Dollars," and by striking out in line eleven of said sub-section the words "Two Hundred Dollars" and inserting in lieu thereof the words "Five Hundred Dollars."

Ch. 243, Public-Local Laws 1911, amended, relative to salaries in Cleveland County Recorder's Court.

SEC. 2. That section nine, chapter two hundred and forty-three of the Public-Local Laws of one thousand nine hundred eleven, be and the same is hereby amended by striking out all of said section after the word "returnable" in line four down

Law again amended.

Return day of civil summons. Filing of complaint.

Answer or demurrer by defendant.

Time of trial of cases.

Law again amended.

Prosecutor may be charged with costs.

In frivolous prosecutions prosecutor may be imprisoned for failure to pay costs.

Taxing of costs against County.

Conflicting laws repealed.

to and including the word "thereof" in line eleven of said section and substituting in lieu thereof the following: "in ten days after service. When summons is issued the plaintiff shall file with the court his complaint and cause a copy of same to be delivered to the defendant or defendants at the time of the service of summons as is required in the Superior Court, unless permission is secured for an extension of time in which to file said complaint, in which event the procedure shall be the same as is now in the Superior Court, except that said time shall not be extended more than ten days. The defendant must appear and answer or demur to the complaint within ten days after service of summons. If the time has been extended for the filing of the complaint, then the defendant shall have ten days after the final date fixed by such extension in which to answer or demur to the complaint. All cases shall stand for trial on the day following the return day unless the court shall name a day certain in each week for the trial of all civil cases at which time all civil actions shall stand for trial."

SEC. 3. That chapter two hundred and forty-three of the Public-Local Laws of one thousand nine hundred eleven be and the same is hereby amended by adding after section seventeen a new section to read as follows: "Section seventeen-a. In all criminal actions tried and disposed of in the Recorder's Court in which the party charged is acquitted or the action is dismissed, the person procuring or causing said warrant to be procured may, in the discretion of the court, be taxed with the costs of said action. If the court shall find that the prosecution was frivolous or malicious, then said person may be imprisoned for the failure to pay said costs. In all cases in which the defendant is imprisoned or for any other reason fails to pay said costs, and in all cases in which the prosecutor is taxed with the costs and fails to pay same, or when the costs are not taxed against the prosecutor, said costs may be taxed against the county in such amount as the court may order and approve. *Provided, however,* that in no action in which the party charged is acquitted or said action is dismissed shall any costs be charged against the county in favor of the person procuring said warrant or in favor of the Justice of the Peace issuing said warrant."

SEC. 4. All laws and clauses of law in conflict with this act are hereby repealed, and the provisions of this act are hereby declared to be in effect and take precedence over any State-wide act that has or may be enacted by the one thousand nine hundred thirty-one session of the General Assembly.

SEC. 5. That this act shall be in full force and effect from and after its ratification.

Ratified this the 13th day of April, A.D., 1931.

CHAPTER 391

AN ACT TO VALIDATE CERTAIN ACTS OF H. M. McALLISTER, JUSTICE OF THE PEACE.

Whereas, the commission of H. M. McAllister, Justice of the Peace, expired on the first day of April, one thousand nine hundred and twenty-nine, and the said Justice of the Peace was inadvertent thereto and did continue to act as Justice of the Peace, assuming that his commission expired two years later; *Now, therefore*,

Preamble.

The General Assembly of North Carolina do enact:

SECTION 1. That all acts of H. M. McAllister as Justice of the Peace, including probate and performance of marriage ceremonies since the expiration of his commission as aforesaid be, and the same are, hereby validated and declared legal and binding in all respects as if performed by him within the life of his said commission.

Official acts of H. M. McAllister, Justice of the Peace, validated.

SEC. 2. That all laws and clauses of laws in conflict herewith to the extent of such conflict, are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 13th day of April, A.D., 1931.

CHAPTER 392

AN ACT TO PROHIBIT THE HUNTING AND KILLING OF PHEASANTS AND GROUSE IN ROWAN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. It shall be unlawful for any person or persons to hunt, kill or capture, in any manner whatever, any wild pheasant and/or grouse, until December first, one thousand nine hundred and thirty-five, in the County of Rowan.

Unlawful to hunt pheasants and grouse in Rowan County till 1935.

SEC. 2. That any person or persons violating the provisions of this act upon conviction, shall be guilty of a misdemeanor, and fined not less than twenty-five dollars (\$25.00) and the costs, or imprisoned for not less than thirty (30) days or both.

Violation made misdemeanor.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Punishment. Conflicting laws repealed.

SEC. 4. That this act shall be in force and effect from and after its ratification.

Ratified this the 13th day of April, A.D., 1931.

CHAPTER 393

AN ACT TO REPEAL THE DISCOUNTS AND PENALTIES
IN THE COLLECTION OF TAXES IN HERTFORD
COUNTY.*The General Assembly of North Carolina do enact:*

Cb. 407, Public-
Local Laws 1929,
repealed, abolish-
ing tax discounts
and penalties in
Hertford County.

SECTION 1. That Chapter four hundred and seven (407) Public-Local Laws one thousand nine hundred and twenty-nine (1929) be, and the same is, hereby repealed.

SEC. 2. This act shall be in full force and effect from and after its ratification.

Ratified this the 15th day of April, A.D. 1931.

CHAPTER 394

AN ACT TO AMEND HOUSE BILL NUMBER EIGHT
HUNDRED FIFTY-NINE, ENTITLED "AN ACT TO
CREATE A BOARD OF FINANCIAL CONTROL FOR
BUNCOMBE COUNTY AND CERTAIN BODIES POLITIC
AND MUNICIPAL CORPORATIONS THEREIN AND TO
DEFINE THE POWERS AND DUTIES THEREOF."*The General Assembly of North Carolina do enact:*

H. B. No. 859,
Public-Local Laws
1931, amended,
relative to Bun-
combe County
Board of Finan-
cial Control.

SECTION 1. That section five of House Bill number eight hundred fifty-nine entitled, "An Act to Create a Board of Financial Control for Buncombe County and Certain Bodies Politic and Municipal Corporations Therein and to Define the Powers and Duties Thereof," ratified March eighteenth, one thousand nine hundred and thirty-one, be and the same is hereby amended by striking out the words "two members of said board shall constitute a quorum" and inserting in lieu thereof the words "three members of said board shall constitute a quorum."

Quorum of Board.

SEC. 2. This act shall be in full force and effect from and after its ratification.

Ratified this the 15th day of April, A.D. 1931.

CHAPTER 395

AN ACT TO PERMIT THE BOARD OF COMMISSIONERS
OF HALIFAX COUNTY TO ABOLISH THE OFFICE OF
COUNTY TREASURER.*The General Assembly of North Carolina do enact:*

Halifax County
Treasurer abol-
ished.

SECTION 1. The Board of County Commissioners of Halifax County are hereby authorized and empowered to abolish the office of County Treasurer in Halifax County.

SEC. 2. Said board upon abolishing the office of County Treasurer, in lieu of a County Treasurer, shall appoint one or more banks or trust companies located in the county as financial agent for the county. The bank or trust company shall perform the duties now performed by the Treasurer. Such bank or trust company shall not charge or receive any compensation for its services, other than such advantages and benefits as may accrue to it from the deposit of the county funds in the regular course of banking.

Designation of bank as financial agent.

No compensation allowed.

SEC. 3. That the bank or trust company appointed and acting as financial agent for said county shall be appointed for a term ending on the first Monday in December, one thousand nine hundred and thirty-two, and thereafter for a term of two years, and it shall be required to give such bond as in the judgment of the Board of County Commissioners may be necessary for the safe keeping and proper accounting for said funds as may come into its possession and belong to said county, and for the further discharge of its duty as is now required by law of County Treasurers.

Term of appointment.

Bond.

SEC. 4. That all laws and clauses of laws in conflict with this act are hereby repealed.

Conflicting laws repealed.

SEC. 5. That this act shall be in force and effect from and after its ratification.

Ratified this the 15th day of April, A.D. 1931.

CHAPTER 396

AN ACT TO REQUIRE THE BOARD OF EDUCATION OF CURRITUCK COUNTY TO HOLD ITS MEETINGS IN THE COURT HOUSE AND TO MAINTAIN AN OFFICE FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION THEREIN.

The General Assembly of North Carolina do enact:

SECTION 1. That the Sheriff and the Board of County Commissioners of Currituck County are hereby required to provide a suitable office on the ground floor of the Court House at Currituck in which the office of the County Superintendent of Public Instruction shall be maintained.

Office space provided in court house for Currituck County Superintendent of Schools.

SEC. 2. That all meetings of the Board of Education of Currituck County shall hereafter be held within said Court House.

Meetings of Board of Education in court house.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Conflicting laws repealed.

SEC. 4. That this act shall be in full force and effect from and after its ratification.

Ratified this the 15th day of April, A.D. 1931.

CHAPTER 397

AN ACT REGULATING THE FEES OF THE PUBLIC OFFICERS OF HAYWOOD COUNTY.

The General Assembly of North Carolina do enact:

Fees of Haywood County Sheriff and Clerk Superior Court.

Fees of Sheriff enumerated.

SECTION 1. That the fees of the sheriff and Clerk of the Superior Court of Haywood County shall be as now provided by law, except as the same are modified and changed by this act.

SEC. 2. That the sheriff of Haywood County shall be entitled to receive hereafter fees for the services as herein set out, as follows: For serving or executing civil summons, one dollar and fifty cents (\$1.50); for making arrest of person under indictment or on criminal warrant or executing *capias*, including all service with the taking and justification of bail, two dollars (\$2.00); for serving subpoena, fifty cents (50c); for serving writs of possession and writs of like nature, two dollars and fifty cents (\$2.50), and actual expenses incurred; for serving or executing notice or notices, one dollar (\$1.00); in claim and delivery, for serving the original papers in each case and taking the property claimed, two dollars (\$2.00), with the actual cost of keeping the same until discharged by law, and sixty cents (60c) for taking replevin bond in claim and delivery, all to be paid on the affidavit of the returning officer.

Fees of Clerk enumerated.

SEC. 3. That the Clerk of the Superior Court of Haywood County shall be entitled to receive hereafter fees for the services as herein set out, as follows: For original summons, one dollar and fifty cents (\$1.50); bond, including justification, seventy-five cents (75c); appeals from justice of the peace, seventy-five cents (75c).

Other fees determined by general law.

SEC. 4. This act shall modify, alter or change only the fees allowed to the sheriff and Clerk of the Superior Court of Haywood County in relation to the services as set out herein; all fees with respect to other services performed by said officers shall be as are now fixed and allowed by law.

Conflicting laws repealed.

SEC. 5. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 6. This act shall be in force and effect from and after its ratification.

Ratified this the 16th day of April, A.D. 1931.

CHAPTER 398

AN ACT RELATIVE TO THE HOLDING OF ELECTIONS IN CASWELL COUNTY.

Preamble: Lack of room for voters in Caswell County precincts.

Whereas, since the passage of the present election law, that at many of the voting precincts there is not adequate room for the conducting of said elections;

And, Whereas, in many of the voting precincts there are public school buildings in close proximity to the present voting places;

School houses available.

And, Whereas, it is desirous to provide adequate provisions for the holding of the elections in Caswell County in so far as it can be done by requiring the elections to be held at the school buildings where feasible. *Now, therefore,*

The General Assembly of North Carolina do enact:

SECTION 1. That the primary and general elections of Caswell County shall be held for the various voting precincts hereinafter mentioned and at the places named herein.

Primaries and elections to be held at various school houses.

Burley Precinct, at Providence Public School House.

Enumeration.

Milton Precinct, at Milton Public School House.

Semora Precinct, at Semora Public School House.

Stoney Creek Precinct, at Stoney Creek Public School House.

Ridgeville Precinct, at Prospect Hill Public School House.

Pelham Precinct, at Pelham Public School House.

Locust Hill Precinct, at Cobb Memorial School House.

Yanceyville Precinct, at Yanceyville Public School House.

Leasburg Precinct, at Leasburg Public School House.

SEC. 2. That it shall be the duty of the janitor of each of the above mentioned school houses to provide adequate heat for said buildings during the registration of the voters and the holding of the elections, which shall be a part of his duty as janitor and for which he shall not be allowed any compensation.

Janitors to provide heat on election day.

SEC. 3. That it shall be the duty of the school authorities in each of the above named school districts to teach school on the following Saturday after the general election in lieu of the time lost on election day.

Schools to run on Saturdays following to make up for lost time.

SEC. 4. That all laws and clauses of laws in conflict with this act are hereby repealed.

Conflicting laws repealed.

SEC. 5. That this act shall be in force from and after its ratification.

Ratified this the 16th day of April, A.D. 1931.

CHAPTER 399

AN ACT TO VALIDATE THE CAMERON SPECIAL TAXING DISTRICT SCHOOL ELECTION.

The General Assembly of North Carolina do enact:

SECTION 1. That a special taxing district to be known as the "Cameron Special Taxing District" be and the same is hereby created in the following territory in Moore County, North Carolina, viz: Beginning at a point in the Old Plank Road, about midway between the A. J. Rosser place and J. L. Marion's

Boundaries of Cameron Special Taxing School District, Moore County.

place; thence up said plank road to the intersection with the road leading from Center M. E. Church to Carthage, via the old Big Jim Cole place; thence with said Carthage road aforesaid westward to the Carthage Township line; thence with said township line southward to the State Highway number seventy-five; thence with the said highway westward to where said highway crosses Crane's Creek, near the R. A. McLaughlin heirs home place; thence down Crane's Creek to the west edge of the right-of-way of the S.A.L. Railway at the trestle on Crane's Creek; thence up the western edge of said right-of-way about three thousand nine hundred sixty feet to a point two hundred feet north of the trestle on Cameron's Creek east of Ab. Thomas' farm; thence S. 80 E. fifteen thousand eight hundred forty feet to a point in the Harnett County line eastward from Frank Cameron's farm; thence with said Harnett County line N. 42 E. fifteen thousand eight hundred forty feet to the corner of the Harnett and Lee County lines in the Old Gulf Plank Road; thence following the said Gulf Plank Road in a northerly direction twenty-seven thousand seven hundred twenty feet to the point of the beginning.

School tax of 30c authorized for District for extended term.

SEC. 2. That the Board of County Commissioners of Moore County, North Carolina, be and they are hereby authorized to levy and collect in said Special Taxing District, a special tax not to exceed thirty (30) cents on the one hundred dollars valuation on all the property both real and personal in said Special Taxing District, to supplement school fund for maintenance of the extended term.

Other special taxes repealed.

SEC. 3. That all special taxes heretofore authorized to be levied and collected in said territory embraced in said Special Taxing District, be and the same are hereby repealed, except the special taxes heretofore authorized to be levied and collected in the Cameron Graded School District to repay the interest and sinking fund to pay off and discharge the indebtedness incurred to build the Cameron Brick School Building.

SEC. 4. That this act shall be in force from and after its ratification.

Ratified this the 16th day of April, A.D. 1931.

CHAPTER 400

AN ACT PERTAINING TO THE COLLECTION OF TAXES OF THE TOWN OF CAROLINA BEACH, NEW HANOVER COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

New Hanover County Auditor made Treasurer of Town of Carolina Beach.

SECTION 1. That from and after October first, nineteen hundred and thirty-one, the Auditor of New Hanover County shall be ex-officio treasurer of the town of Carolina Beach and shall

properly account for all funds received by him for account of the town of Carolina Beach from the Sheriff of New Hanover County and from other sources. He shall render to the Board of Commissioners of the town of Carolina Beach, at the end of each fiscal year, a report showing all funds received and disbursed by him as treasurer together with the funds on hand at the close of said fiscal year.

Report of funds received and disbursed.

SEC. 2. The County Auditor shall pay all warrants drawn on him and signed by any two of the Commissioners of said town, as long as there are any funds in hand belonging to said town.

Payment of warrants drawn by Town.

SEC. 3. The County Auditor shall make up a tax book showing the taxes due on all property in the town of Carolina Beach in either a separate book or by showing the amounts in a separate column of the tax books of the county, in order that the Sheriff may be able to collect said taxes as herein provided.

Making up of tax books for Town.

SEC. 4. The Sheriff of New Hanover County is hereby declared to be ex-officio tax collector for the Town of Carolina Beach and shall collect the taxes for said town at the same time and in the same manner as he collects taxes for the county. He shall pay all sums collected by him for said town to the Auditor of New Hanover County separate and apart from county funds, after deducting commissions allowed in this act.

County Sheriff made Tax Collector for Town.

SEC. 5. The Sheriff shall possess all rights and powers to enforce the collection of said taxes as are now possessed by him for the enforcement of the collection of county taxes.

Application of tax collections.

Enforcement of payment of taxes.

SEC. 6. The Commissioners of the Town of Carolina Beach, North Carolina, shall have and continue to exercise all of the powers and authority which they have under existing law, subject to the collection of taxes and disbursement of same as above set forth, except the tax rate on the property valuation of the Town of Carolina Beach, North Carolina, shall never exceed one dollar (\$1.00) on the one hundred dollars (\$100.00) valuation of property other than the county tax, without a special vote of the property owners, said election to be held by election officials as in the case of the election of the officials of the town, date of election to be fixed by the Commissioners of the Town.

Powers and duties of Town Commissioners.

Limit of tax rate, \$1 without special election.

SEC. 7. The Commissioners shall advise the County Auditor, in writing, on or before July first of each year the tax rate for said year.

County Auditor advised of tax rate each year.

SEC. 8. The Sheriff shall receive as compensation for performing the duties required by this act commissions of two and one half (2½) per centum on all collections made hereunder.

Compensation of Sheriff, 2½% of collections.

SEC. 9. The Commissioners of the Town of Carolina Beach shall furnish all books or forms necessary to enable the Treasurer and Tax Collector to carry out the provisions of this act.

Town to furnish books and forms.

Compensation of Auditor, 2½% of receipts.

Bonds of Sheriff and Auditor.

Conflicting laws repealed.

SEC. 10. The County Auditor shall receive as compensation for performing the duties required under this act, commissions of two and one half (2½) per centum on all funds received by him as treasurer of the Town of Carolina Beach and is hereby authorized to pay such sums to himself without a warrant from the Commissioners; *Provided, however*, that the Sheriff of New Hanover County and the County Auditor of said county shall execute and deliver to the Board of Commissioners of the Town of Carolina Beach good and sufficient bond in amount and manner prescribed and approved by the Commissioners of said town.

SEC. 11. All laws and clauses of laws in conflict herewith, to the extent of such conflict, are hereby repealed.

SEC. 12. This act shall be in force from and after its ratification.

Ratified this the 16th day of April, A..D. 1931.

CHAPTER 401

AN ACT TO PLACE THE SHERIFF OF ALLEGHANY COUNTY UPON A SALARY IN LIEU OF COMMISSIONS HERETOFORE ALLOWED FOR COLLECTION OF TAXES.

The General Assembly of North Carolina do enact:

Salary of Alleghany County Sheriff for tax collections, \$2000.

Effective December, 1930.

Additional sum for holding courts.

Also other fees allowed by law.

SECTION 1. That the Sheriff of Alleghany County shall receive a salary of Two Thousand (\$2,000.00) Dollars per annum in lieu of all commissions allowed by law for the collection and settlement of the taxes of the county, whether the said taxes be general, special or otherwise, which will or shall be collected by virtue of the said office, and in lieu of all compensation as Treasurer in disbursing said taxes as provided by law. Said salary to be retroactive and commence on the first Monday in December one thousand nine hundred and thirty. Said taxes shall be faithfully collected by him and turned over to his account as Treasurer, or to such officer as may be acting as Treasurer, or, the bank or banks designated by law to control receipts and payment of all taxes collected by the sheriff. He shall also receive the sum heretofore allowed sheriffs of the county annually for holding courts, and the fees allowed by law on all processes served or executed by him, or his deputies, and his commissions or fees on executions collected by him, or his deputies, now allowed by law, and such other legal fees as the law provides for sheriffs. He shall receive One Dollar and Fifty Cents (\$1.50) for arrests made by him in all criminal cases, and One Dollar (\$1.00) for the service of such summonses as are issued from the Superior Court. For serving such summonses, together with complaint or other pleading accompanying

such summons, he shall receive One Dollar (\$1.00) fees aforesaid for such service whether accompanied by complaint or other pleading, and if accompanied by complaint or other pleading he shall receive no more than One Dollar (\$1.00). He shall be allowed actual postage expended in the discharge of his official duties, and actual expenses in transferring prisoners to the State Prison, or to any County or District Prison, and the cost of premiums on all bonds he is required to give as Sheriff or Treasurer. An itemized account of such expenses shall be duly kept by him and verified when such account is submitted for audit and payment, *provided, however*, that the compensation for collecting and disbursing taxes and the bond premiums shall not exceed that received by his predecessor for the same purpose.

Postage allowed.

Also certain traveling expenses and bond premiums.

SEC. 2. That the salary above provided for shall be paid in quarterly installments from the general fund of the county.

Salary payable quarterly.

SEC. 3. That in making annual settlement with the Sheriff for the collection of taxes the County Accountant shall credit the general fund and charge all other funds with the same commissions that such funds would be charged if the Sheriff was paid commissions allowed by law prior to the passage of this act.

Annual settlement with County Accountant.

SEC. 4. That this act shall be in force from and after its ratification.

Ratified this the 17th day of April, A.D. 1931.

CHAPTER 402

AN ACT WITH RESPECT TO THE DUTIES OF STATE FARM DEMONSTRATION AGENTS FOR HARNETT COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the State Farm Demonstration Agents, assigned to or employed by Harnett and Northampton Counties, may vaccinate hogs for cholera with either or both hog cholera serums.

Vaccination of hogs in Harnett and Northampton Counties.

Ratified this the 17th day of April, A.D. 1931.

CHAPTER 403

AN ACT RELATING TO THE COMPENSATION OF THE COUNTY COMMISSIONERS OF MONTGOMERY COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the compensation of the County Commissioners of Montgomery County is hereby increased from three dollars per day to five dollars per day.

Compensation of Montgomery County Commissioners.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 3. That this act shall be in full force and effect from and after its ratification.

Ratified this the 17th day of April, A.D. 1931.

CHAPTER 404

AN ACT TO FIX THE SHERIFF'S COMMISSIONS ON TAXES COLLECTED IN WAKE COUNTY AND TO REQUIRE THEIR PAYMENT INTO THE FEE AND COMMISSION FUND OF SAID COUNTY.

The General Assembly of North Carolina do enact:

Allowance of Wake County Sheriff for tax collections.

SECTION 1. That the Sheriff of Wake County shall be allowed as commissions of his office four per cent on all taxes collected by his office, which shall be paid into the Fee and Commission Fund of said County as is provided by law for the commissions now allowed.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in so far as they conflict with this act are hereby repealed.

Effective July 1, 1931.

SEC. 3. That this act shall go into effect on July first, one thousand nine hundred and thirty-one.

Ratified this the 17th day of April, A.D. 1931.

CHAPTER 405

AN ACT RELATING TO SALARIES OF COUNTY COMMISSIONERS OF BUNCOMBE COUNTY.

The General Assembly of North Carolina do enact:

Salaries of certain Buncombe County Commissioners. Of finance, \$3000.

SECTION 1. That the chairman and commissioner of finance of Buncombe County shall receive an annual salary of three thousand (\$3,000.00) dollars a year, payable monthly in equal monthly payments from said county; that the commissioner of highways of said county shall receive an annual salary of two thousand five hundred (\$2,500.00) dollars a year, payable monthly in equal monthly payments from said county; and the commissioner of public institution of said county shall receive an annual salary of two thousand five hundred dollars (\$2,500.00) a year, payable monthly in equal monthly payments from said county.

Of highways, \$2500.

Of public institution, \$2500.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in so far as they are in conflict with this act are hereby repealed.

Effective after terms of incumbents.

SEC. 3. That this act shall be in force from and after the expiration of the term of office of the present commissioners of Buncombe County.

Ratified this the 17th day of April, A.D. 1931.

CHAPTER 406

AN ACT REGULATING THE FEES OF JUSTICES OF THE PEACE IN LENOIR COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That no Justice of the Peace for Lenoir County shall receive any compensation from Lenoir County in a case which has been bound over or appealed from his court where the higher court fails to convict.

No fees taxable against Lenoir County in courts of Justices of the Peace.

SEC. 2. That this act shall apply to Lenoir County only.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Conflicting laws repealed.

SEC. 4. That this act shall be in full force and effect from and after its ratification.

Ratified this the 17th day of April, A.D. 1931.

CHAPTER 407

AN ACT TO AMEND CHAPTER ONE HUNDRED AND SIXTEEN, PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-SEVEN, RELATIVE TO THE FEES OF THE SHERIFF OF WILSON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter one hundred and sixteen of the Public-Local Laws of one thousand nine hundred and twenty-seven be and the same is hereby repealed.

Ch. 116, Public-Local Laws 1927, repealed.

SEC. 2. The Board of Commissioners of Wilson County shall annually after making the levy for taxes, fix the commissions to be paid to the sheriff of Wilson County for the collection of such taxes during such year. The sheriff of Wilson County shall receive no other compensation for collection of taxes than that fixed by the Board of Commissioners as herein provided.

Commissions of Wilson County Sheriff for tax collections.

SEC. 3. This act shall be in force and effect from and after its ratification.

Ratified this the 17th day of April, A.D. 1931.

CHAPTER 408

AN ACT TO PROVIDE FOR THE COMPENSATION OF THE SOLICITOR OF THE COUNTY COURT OF WARREN COUNTY ON A FEE BASIS.

The General Assembly of North Carolina do enact:

SECTION 1. That in lieu of the salary and all other compensation now provided for the Solicitor of the County Court of Warren County, the said Solicitor shall receive for each conviction

Solicitor of Warren County Court to receive \$5 for each conviction in lieu of salary.

tion the sum of five dollars (\$5.00) to be taxed in the bill of costs against the defendant.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 3. That this act shall be in full force and effect from and after ratification.

Ratified this the 17th day of April, A.D. 1931.

CHAPTER 409

AN ACT TO AUTHORIZE THE SCHOOL AUTHORITIES AND COUNTY AUDITOR OF CARTERET COUNTY TO ISSUE CERTIFICATES OF INDEBTEDNESS TO TEACHERS.

The General Assembly of North Carolina do enact:

Issuance of certificates of indebtedness to school teachers in Carteret County.

SECTION 1. That the Board of Education of Carteret County, the Superintendent of Public Instruction, and the County Auditor of said County, and/or any Board of School Committeemen of any Local Taxing School District of Carteret County, be and they are hereby fully authorized and empowered in their discretion to issue to the school teachers employed in the public schools of said county for the eight months term, and/or to any teachers employed in any Local Taxing School District for any extended term, certificates of indebtedness or warrants, drawn upon the Treasurer of Carteret County, in payment of salaries of the school teachers for any part of the eight months term, or for any extended term.

Form of certificates.

SEC. 2. That said certificates of indebtedness, or warrants or vouchers, shall be issued in such form as the Auditor of Carteret County may determine; that said certificates vouchers or warrants shall state on their face that they are payable only out of the current expense fund for school teachers salaries, if for any part of the eight months term, and/or out of local school taxes levied in any district, if for the extended term; and shall only be payable by the Treasurer of Carteret County when the funds derived from said taxes from the current expense fund for teachers for the eight months term, and/or only when the funds derived from said local school taxes in any district are available for said purposes.

Payable out of current expense fund.

Made valid obligations.

SEC. 3. That when any of the said certificates of indebtedness, warrants or vouchers herein authorized have been duly issued, they shall constitute the legal and valid obligations of Carteret County (if issued for any part of the eight months term) and/or of any Local Taxing School District of Carteret County (if issued for any part of the extended term), and they shall be a direct charge against the proceeds of the current expense fund for the payment of school teachers for the eight

Direct charge against current expense fund.

months term, and/or against the proceeds of the local taxes levied in any Local Taxing District, for the present fiscal school year (one thousand nine hundred thirty—one thousand nine hundred thirty-one); and it shall be lawful for said certificates of indebtedness, warrants or vouchers to be issued in negotiable form, as the County Auditor of Carteret County may determine.

May be in negotiable form.

SEC. 4. That said certificates of indebtedness, warrants or vouchers authorized by this act shall only apply to the payment of the salaries of school teachers, for the remaining unpaid portion for the eight months term, and/or to all or any part of the salaries of school teachers in any Local Taxing School District for the extended school term, for the present school year (one thousand nine hundred thirty—one thousand nine hundred thirty-one).

When certificates applicable.

SEC. 5. That the Board of Commissioners may in their discretion relieve school teachers and any other employees of Carteret County from the penalties and interest accruing on taxes, where the county is indebted to said parties, the reduction to be made from the maturity of the obligation by the county.

Teachers to whom County is indebted relieved of tax penalties.

SEC. 6. That all laws and parts of laws inconsistent with the provisions of this act be and the same are hereby repealed.

Conflicting laws repealed.

SEC. 6. That this act shall be in force and effect from and after its ratification.

Ratified this the 20th day of April, A.D. 1931.

CHAPTER 410

AN ACT RELATING TO COMPENSATION FOR THE SHERIFF OF McDOWELL COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the Sheriff of McDowell County shall be paid out of the general county fund compensation of fifty dollars per month in addition to fees, commissions and compensation otherwise provided by law in relation to the duties and functions of said office and of tax collector.

Additional allowance of \$50 per month to McDowell County Sheriff.

SEC. 2. That the Sheriff or other police officer, in lieu of the compensation provided under the terms of section three thousand and one of the Consolidated Statutes of North Carolina, shall receive actual reasonable expenses incurred in the seizing and taking of every distillery seized under the prohibition laws of North Carolina; *Provided, however,* the Board of Commissioners shall have the right and authority and duty to determine the reasonableness of such expenses, and its decision shall be

Reasonable expenses allowed in seizing distilleries.

Limit, \$10 for each one taken.

Conflicting laws repealed.

Effective June 30, 1931.

conclusive; and, *Provided, further*, that in no case shall more than ten dollars be paid for seizing and taking any one distillery.

SEC. 5. That this act shall apply to McDowell County only.

SEC. 4. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 5. That this act be in force and effective from and after the thirtieth day of June in the year one thousand nine hundred and thirty-one.

Ratified this the 20th day of April, A.D. 1931.

CHAPTER 411

AN ACT TO ALLOW THE COUNTY COMMISSIONERS AND THE BOARD OF EDUCATION OF POLK COUNTY TO AID IN REOPENING THE POLK COUNTY BANK AND TRUST COMPANY.

The General Assembly of North Carolina do enact:

Polk County authorized to aid in re-opening Polk County Bank & Trust Company by freezing deposits.

SECTION 1. That the board of county commissioners and the board of education of Polk County be, and they are hereby fully authorized and empowered to make and enter into a contract with the Polk County Bank and Trust Company, its directors and stockholders, to freeze or not demand the public funds or the school funds of Polk County now on deposit in said bank for a like period of time and under the same conditions that other depositors may agree to, which depositor's agreement shall be approved by the Corporation Commission of North Carolina.

Collateral now held unimpaired.

SEC. 2. That nothing in this act shall in any way impair any bonds, collateral papers, notes or other securities held by Polk County or any officer thereof or other person for said county to secure the deposits of said county in said bank.

Collection of collateral and application of proceeds.

SEC. 3. That the county commissioners of Polk County be, and they are hereby authorized and empowered to collect all notes or other securities held by them or any other person for them for the purpose of securing the deposits of said county in said bank and apply the proceeds derived from the collection in repayment to said county of the amount due it on the deposits of said county in said bank up to the full amount for which said security was put up to secure, and no further.

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 5. That this act shall be in full force and effect from and after its ratification.

Ratified this the 20th day of April, A.D. 1931.

CHAPTER 412

AN ACT TO AMEND PUBLIC-LOCAL LAWS, CHAPTER FOUR HUNDRED AND SIXTY-SIX, ONE THOUSAND NINE HUNDRED AND TWENTY-NINE, SO AS TO EXCEPT THE TOWN OF MURPHY FROM POOL ROOM LAW.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter four six six, Public-Local Laws, nineteen hundred and twenty-nine, be and is hereby amended by adding after the word "Act" in section three, line three thereof, the following: "*Provided*, that the town of Murphy be allowed to operate pool rooms, supervised by and for the benefit of the American Legion Post, *provided* that the town of Murphy hold an election and vote same, the cost of said election to be paid by the American Legion Post."

Ch. 466, Public-Local Laws 1929, amended.

Pool rooms permitted in Murphy, subject to approval of voters. Election expense.

SEC. 2. All laws and clauses of laws in conflict with this act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This act shall be in force and effect from and after its ratification.

Ratified this the 20th day of April, A.D. 1931.

CHAPTER 413

AN ACT TO AMEND CHAPTER SEVENTEEN OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED TWENTY-SEVEN, RELATING TO THE RECORDER'S COURT OF JACKSON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section one, chapter seventeen, Public-Local Laws of one thousand nine hundred and twenty-seven, be, and the same is hereby amended by adding at the end of section one of said act the following:

Ch. 17, Public-Local Laws 1927, amended.

"*Provided*, that in the event the county commissioners of Jackson County abolish the Recorder's Court of said County, then, and in that event, the provisions of this act shall not apply to Jackson County."

Abolition of Jackson County Recorder's Court.

SEC. 2. That all laws and clauses of laws in conflict with this act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this act shall be in force and effect from and after its ratification.

Ratified this the 22nd day of April, A.D. 1931.

CHAPTER 414

AN ACT TO PROVIDE FOR THE COLLECTION OF DELINQUENT TAXES IN BUNCOMBE COUNTY.

The General Assembly of North Carolina do enact:

Board of Budget Control to collect delinquent taxes in Buncombe County.

Employment of counsel.

Payment of reasonable attorney's fees.

Account stated.

Conflicting laws repealed.

SECTION 1. That the collection of all delinquent taxes in Buncombe County is hereby vested in the Board of Budget Control of said county and the said board authorized and empowered to take such action as in its judgment may be necessary to collect said delinquent taxes, and is empowered to employ one or more tax collectors. The said board may also, if in its judgment the same is necessary, employ counsel to institute and prosecute to final judgment foreclosure suits in all cases where the statutory period for redemption of lands by the tax payer has expired.

SEC. 2. That said Board of Budget Control shall determine the reasonable and fair value of any services heretofore performed by any attorney employed to prosecute actions of foreclosure on account of delinquent taxes and to make and state an account as between such attorney and the county of Buncombe and strike a balance and when the amount due such attorney is finally determined, the Board of County Commissioners of Buncombe County shall pay any balance due for such professional services, but said county shall not be liable or responsible for any further or additional sums or for any services rendered by any attorney after the passage of said act, not authorized by the Board of Budget Control of said county.

SEC. 3. That all laws and clauses of laws, whether public, public-local or private, in conflict with this act be and the same are hereby repealed.

SEC. 4. That this act shall be in force from and after its ratification.

Ratified this the 22nd day of April, A.D. 1931.

CHAPTER 415

AN ACT TO VALIDATE THE ACTS OF THE COUNTY BOARD OF EDUCATION OF MITCHELL COUNTY.

Preamble: Official acts of Mitchell County Board of Education before ratification of School Omnibus Act.

Whereas, J. Frank Green, Tarp Turbyfil and W. L. Whitson have been appointed members of the County Board of Education of the County of Mitchell by the General Assembly of one thousand nine hundred and thirty-one; and

Whereas, the bill known as the Omnibus School Bill making said appointments was ratified on the 15th day of April, one thousand nine hundred and thirty-one; and

Whereas, the above named members of the said County Board of Education met on the first day of April, one thousand nine hundred and thirty-one, took the oath of office, organized and performed various duties pertaining to the office; *Now therefore*, *The General Assembly of North Carolina do enact*:

SECTION 1. That all of the official acts performed or attempted to be performed by the said J. Frank Green, Tarp Turbyfi and W. L. Whitson as members of the Board of Education of the County of Mitchell and State of North Carolina, prior to the ratification of said Omnibus Act, are hereby in all respects validated.

Such official acts validated.

SEC. 2. All laws and clauses of laws in conflict with this act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This act shall be in force and effect from and after its ratification.

Ratified this the 22nd day of April, A.D. 1931.

CHAPTER 416

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF MECKLENBURG COUNTY TO CONTRIBUTE TO THE EXPENSE OF OPERATING THE SHERIFF'S OFFICE OF SAID COUNTY FROM THE FIRST DAY OF JUNE, ONE THOUSAND NINE HUNDRED THIRTY-ONE, TO THE FIRST DAY OF DECEMBER, ONE THOUSAND NINE HUNDRED THIRTY-ONE.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Commissioners of Mecklenburg County are hereby authorized and empowered to contribute out of the general fund such amounts to the expense of employing deputy sheriffs in and for Mecklenburg County from the first day of June, one thousand nine hundred and thirty-one, to the first day of December, one thousand nine hundred and thirty-one, as in the discretion of the said board it may determine.

Contribution by Mecklenburg County to compensation of deputy sheriffs for certain period.

SEC. 2. That as information to the said Board of Commissioners, in order to determine what is a fair and reasonable amount for the County to contribute, the sheriff shall keep a full, accurate and complete record of all fees, receipts and compensation of his office, and of all the expenses and disbursements thereof, and submit at such times as the said Board of Commissioners may require a sworn statement thereof to the said Board.

Computation to be based on fees collected.

SEC. 3. That nothing herein contained shall be construed to repeal the act placing the county officers of said County upon

1931 salary act unaffected.

salaries, enacted at the nineteen hundred and thirty-one session of the General Assembly.

SEC. 4. That this act shall take effect from and after the date of its ratification.

Ratified this the 22nd day of April, A.D. 1931.

CHAPTER 417

AN ACT TO REPEAL HOUSE BILL NUMBER NINE HUNDRED AND SIXTY-NINE OF THE ONE THOUSAND NINE HUNDRED AND THIRTY-ONE SESSION OF THE GENERAL ASSEMBLY OF NORTH CAROLINA ENTITLED "AN ACT REQUIRING THE REGISTER OF DEEDS OF AVERY COUNTY TO PREPARE THE TAX LISTS AND PROVIDING THE COMPENSATION THEREFOR."

The General Assembly of North Carolina do enact:

SECTION 1. That House Bill number nine hundred and sixty-nine passed by the one thousand nine hundred and thirty-one session of the General Assembly of North Carolina be and the same is hereby repealed.

SEC. 2. That the Register of Deeds of Avery County shall each year compute and prepare the tax list of said county as prescribed by law and shall receive as full compensation for said work such sum as may be allowed by the Board of County Commissioners of Avery County not to exceed six hundred dollars.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 4. That this act shall be in full force and effect from and after its ratification.

Ratified this the 23rd day of April, A.D. 1931.

CHAPTER 418

AN ACT REGULATING THE SALARY OF THE SHERIFF, REGISTER OF DEEDS AND CLERK OF THE SUPERIOR COURT OF FORSYTH COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the salary of the Sheriff of Forsyth County shall be four thousand dollars per year, payable in equal monthly installments.

SEC. 2. That the salary of the Register of Deeds of Forsyth County shall be three thousand dollars per year, payable in equal monthly installments.

H. B. No. 969,
Public-Local Laws
1931, repealed,
relative to pre-
paration of Avery
County tax lists
by Register of
Deeds.

Compensation not
to exceed \$600.

Conflicting laws
repealed.

Salary of Forsyth
County Sheriff,
\$4000.

Register of Deeds,
\$3000.

SEC. 3. The Clerk of the Superior Court of Forsyth County shall be paid a salary of four thousand dollars per year, payable in equal monthly installments, as full compensation for his services as Clerk of the Superior Court and Ex-Officio Clerk of the Forsyth County Court of Forsyth County.

Superior Court
Clerk, \$4000.

SEC. 4. That all laws and clauses thereof in conflict with this act are hereby repealed.

Conflicting laws
repealed.

SEC. 5. This act shall be in force and effect from and after the first Monday in December, one thousand nine hundred and thirty-two.

Effective Decem-
ber, 1932.

Ratified this the 24th day of April, A.D. 1931.

CHAPTER 419

AN ACT AMENDING SENATE BILL NUMBER TWO HUNDRED TWENTY-FOUR, RATIFIED MARCH SECOND, ONE THOUSAND NINE HUNDRED THIRTY-ONE, BEING AN ACT TO AMEND CHAPTER NINETY-FIVE, PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-ONE, AND CHAPTER SIX HUNDRED AND THIRTEEN, PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-THREE.

The General Assembly of North Carolina do enact:

SECTION 1. That section two of said Senate Bill number two hundred twenty-four, ratified March second, one thousand nine hundred and thirty-one, be stricken out and amended so as to read as follows:

S. B. No. 224,
Public-Local Laws
1931, amended.

SEC. 2. "That the Sheriff of New Hanover County shall receive monthly as full compensation for all services rendered, and in lieu of all other fees, salaries and emoluments which he may now or hereafter be entitled to by virtue of his office an amount equal to $(1/12)$ one-twelfth of the amount of the limit fixed by law for the annual allowance, on such fees as are limited, *provided* there are sufficient funds from previous settlements during the current fiscal year in the hands of the County Auditor; and the full amount of such fees as are not limited; *providea*, that when closing the books of the County at the end of each fiscal year, the County Auditor is hereby authorized, empowered and directed to leave a balance of Two Thousand and Five Hundred (\$2,500.00) Dollars to the credit of the Salary Fee Fund, for the purpose of making payments to the Sheriff for the months of July, August and September following."

Compensation of
New Hanover
County Sheriff.

Method of compu-
tation.

Crediting Salary
Fee Fund with
amount with
which to pay
Sheriff.

Conflicting laws
repealed.

SEC. 3. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 4. That this act shall be in force and effect from and after its ratification.

Ratified this the 24th day of April, A.D. 1931.

CHAPTER 420

AN ACT TO REPEAL CHAPTER ONE HUNDRED SIXTY-NINE, PUBLIC-LOCAL LAWS, EXTRA SESSION, ONE THOUSAND NINE HUNDRED THIRTEEN, REGULATING THE HUNTING OF FOXES IN FRANKLIN COUNTY.

The General Assembly of North Carolina do enact:

Ch. 169, Public-Local Laws extra session 1913, repealed, relating to hunting foxes in Franklin County.

SECTION 1. That chapter one hundred and sixty-nine, Public-Local Laws, Extra Session one thousand nine hundred and thirteen, be and the same is hereby repealed.

SEC. 2. That this act shall be in full force and effect from and after its ratification.

Ratified this the 28th day of April, A.D. 1931.

CHAPTER 421

AN ACT TO AMEND CHAPTER FOUR HUNDRED THIRTY-ONE, PUBLIC-LOCAL LAWS, ONE THOUSAND NINE HUNDRED TWENTY-SEVEN, RELATING TO WILD FOWL IN CURRITUCK COUNTY.

The General Assembly of North Carolina do enact:

Ch. 431, Public-Local Laws 1927, amended.

Provision for lay days in hunting wild fowl in Currituck County.

SECTION 1. That section twenty of chapter four hundred and thirty-one of the Public-Local Laws of one thousand nine hundred and twenty-seven, be and the same is hereby repealed and the following inserted in lieu thereof:

"SEC. 20. The Game Commission of Currituck County shall set aside certain days or parts of days in each week to be known as rest or lay days on which no shooting shall be done, which, in their discretion, they may deem necessary for the better protection of the wild fowl of Currituck County."

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 3. That this act shall be in full force and effect from and after its ratification.

Ratified this the 28th day of April, A.D. 1931.

Conflicting laws
repealed.

CHAPTER 422

AN ACT TO REQUIRE FILLING STATIONS AND PLACES OF BUSINESS WITHIN ONE MILE OF THE MOUNT MORIAH METHODIST EPISCOPAL CHURCH, EUTO PRESBYTERIAN CHURCH AND EUTO BAPTIST CHURCH, IN NEW SALEM TOWNSHIP, UNION COUNTY, TO CLOSE ON SUNDAY DURING CERTAIN HOURS.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person, firm or corporation to operate any filling station, store, cafe or other place of business within a mile of Mount Moriah Methodist Episcopal Church, Euto Baptist Church and Euto Presbyterian Church in New Salem Township, Union County, on Sunday during the hours in which religious services are held, both day and night, in said churches.

Operation of filling stations, etc. during church hours near certain churches in Union County prohibited.

SEC. 2. It shall be unlawful for any person to be under the influence of whiskey or narcotics, or act in a disorderly or boisterous manner within one mile of said churches at any time while services are being held.

Certain crimes also prohibited.

SEC. 3. That any person violating the provisions of this act shall be guilty of a misdemeanor and upon conviction shall be fined not more than fifty dollars or imprisoned not more than thirty days.

Violation of Act made misdemeanor. Punishment.

SEC. 4. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Conflicting laws repealed.

SEC. 5. That this act shall be in full force and effect from and after its ratification.

Ratified this the 28th day of April, A.D. 1931.

CHAPTER 423

AN ACT TO REQUIRE THE BOARD OF COUNTY COMMISSIONERS OF CURRITUCK COUNTY TO POST THE PROCEEDINGS OF THEIR REGULAR AND SPECIAL MEETINGS.

The General Assembly of North Carolina do enact:

SECTION 1. The Board of County Commissioners of Currituck County shall cause to be posted at the Court House door in said county within five days after each regular or special meeting of said board, and for one week thereafter, the name of each individual whose account has been audited, the amount claimed and the amount allowed, and also at the same time and

Currituck County Commissioners required to post notices of proceedings of all meetings.

Contents of notices.

in the same manner, post a full statement of county revenue and charges showing by items the income from every source and the disbursements on every account for the preceding month, together with a copy of the entire proceedings of the meeting of said board.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 3. That this act shall be in full force and effect from and after its ratification.

Ratified this the 28th day of April, A.D. 1931.

CHAPTER 424

AN ACT WITH REFERENCE TO THE DUTIES OF THE BOARD OF COMMISSIONERS FOR NORTHAMPTON COUNTY RELATIVE TO JUVENILE COURT OF SAID COUNTY.

The General Assembly of North Carolina do enact:

Salary of Judge of Northampton County Juvenile Court, \$200.

SECTION 1. That the Commissioners of Northampton County may in their discretion pay a salary of not exceeding two hundred dollars per annum to the Judge of the Juvenile Court of said county.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 3. That this act shall be in force and effect from and after its ratification.

Ratified this the 28th day of April, A.D. 1931.

CHAPTER 425

AN ACT TO CHANGE THE BOUNDARY LINE BETWEEN THE COUNTIES OF ASHE AND WILKES.

The General Assembly of North Carolina do enact:

Change in boundary line between Ashe and Wilkes Counties.

SECTION 1. That the boundary line between the counties of Ashe and Wilkes, be, and the same is hereby, changed so as to include all the A. L. Miller land lying South of the public road running along the top of the Blue Ridge Mountain, except the A. L. Miller residence which is not in Ashe County, in the County of Wilkes.

Conflicting laws repealed.

SEC. 2. That all laws in conflict with this act are hereby repealed.

SEC. 3. That this act shall be in force and effect from and after its ratification.

Ratified this the 27th day of April, A.D. 1931.

CHAPTER 426

AN ACT TO AMEND CHAPTER ONE HUNDRED AND THIRTY-EIGHT, PUBLIC-LOCAL LAWS, ONE THOUSAND NINE HUNDRED AND NINETEEN, ADDING A PRACTICING DENTIST TO THE JOINT BOARD OF HEALTH FOR THE COUNTY OF WAKE AND CITY OF RALEIGH.

The General Assembly of North Carolina do enact:

SECTION 1. That section one of chapter one hundred and thirty-eight, Public-Local Laws, one thousand nine hundred and nineteen, be and the same is hereby amended by striking out the word "seven" in line four of said section and inserting in lieu thereof the word "eight"; and that said section be further amended by inserting between the word "County" and the word "and" in line eight of said section the words "a practicing dentist of Wake County."

Ch. 138, Public-Local Laws 1919, amended, placing a dentist on Board of Health of Wake County and Raleigh.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this act shall be in full force and effect from and after its ratification.

Ratified this the 25th day of April, A.D., 1931.

CHAPTER 427

AN ACT CORRECTING A TYPOGRAPHICAL ERROR IN SENATE BILL FIVE HUNDRED THIRTY-FOUR PASSED IN THE ONE THOUSAND NINE HUNDRED THIRTY-ONE SESSION.

The General Assembly of North Carolina do enact:

SECTION 1. Amend Senate Bill five hundred thirty-four which passed at the one thousand nine hundred thirty-one Session by striking out the letter "B" in line four of Section one, and insert in lieu thereof the letter "P", correcting the word "Burley" and making it to read "Purley".

S. B. No. 534, Public-Local Laws 1931, amended, relative to elections in Caswell County.

SEC. 2. This act shall be in full force and effect from and after its ratification.

Ratified this the 25th day of April, A.D., 1931.

CHAPTER 428

AN ACT TO FIX CERTAIN FEES OF SHERIFF AND OTHER OFFICERS AUTHORIZED TO SERVE PROCESS IN JOHNSTON COUNTY .

The General Assembly of North Carolina do enact:

SECTION 1. That all officers of Johnston County authorized and required by law to serve civil or criminal process shall for their services receive the following fees:

Process fees of Johnston County officers.

Enumerated.

For the service of summons, or other writ or notice, in civil cases (including copy) sixty cents; for the arrest of any person in any action, including the taking of bond, one dollar; for the service of subpoena thirty cents; for serving execution in civil cases one dollar; collecting execution for money in civil actions two and a half per cent on the amount of principal collected; for serving all other process, either civil or criminal, fees to remain as now fixed by law.

Conflicting laws repealed.

SEC. 2. That this act shall apply to Johnston County only.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 4. That this act shall be in force and effect from and after its ratification.

Ratified this the 25th day of April, A.D., 1931.

CHAPTER 429

AN ACT AUTHORIZING THE PAYMENT OF FEES TO POLICE OFFICERS FOR SEIZING STILLS IN NASH COUNTY, AND AUTHORIZING THE COMMISSIONERS OF NASH COUNTY TO HIRE OUT OR WORK PRISONERS CONFINED IN THE COUNTY JAIL.

The General Assembly of North Carolina do enact:

Fee of \$10 allowed Nash County officers for seizure of distillery.

SECTION 1. That for every distillery seized in Nash County following by a conviction of one or more defendants in the Superior Court, or Recorder's Court having jurisdiction to try the action, the sheriff, or other police officer, shall receive the sum of ten dollars for each distillery seized followed by said conviction, which amount shall be taxed in the bill of cost against the defendant or defendants, and collected in the same manner as other costs: *Provided*, that if the defendant or defendants are unable to pay the cost and the county has to pay one-half costs under the provisions of section one thousand two hundred and fifty-seven of the North Carolina Code of one thousand nine hundred and twenty-seven, the amount to be paid by the county shall be five dollars: *Provided further*, that when the sheriff or deputy sheriff captures a distillery he shall receive the fee for his own use.

County taxable with only \$5 of allowance.

SEC. 2. That the Board of Commissioners of Nash County shall have the power to work or hire out on such terms and conditions as to said Board shall seem best all prisoners confined in the jail of Nash County and not assigned to work the roads.

Working or hiring out of prisoners.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 25th day of April, A.D., 1931.

CHAPTER 430

AN ACT TO AMEND CHAPTER ONE HUNDRED AND THIRTY-ONE, PUBLIC-LOCAL LAWS ONE THOUSAND NINE HUNDRED AND TWENTY-FIVE, RELATING TO THE COMMISSIONS ALLOWED THE SHERIFF FOR COLLECTING TAXES IN YANCEY COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section one of chapter one hundred and thirty-one, Public-Local Laws, one thousand nine hundred and twenty-five, be and the same is hereby amended by adding after the semi-colon in line five of said section the following: "*Provided*, that the Board of County Commissioners of Yancey County may, in their discretion, allow said sheriff as tax collector a commission not exceeding three and one-half per cent of the taxes collected by him in lieu of the foregoing two and one-half per cent."

Ch. 131, Public-Local Laws 1925, amended, relative to commissions of Yancey County Sheriff for collecting taxes.

Allowed
3 ½ %.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this act shall be in full force and effect from and after its ratification.

Ratified this the 25th day of April, A.D., 1931.

CHAPTER 431

AN ACT TO AMEND CHAPTER TWO HUNDRED FIFTY, PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED TWENTY-FIVE, RELATING TO THE SALARIES OF CERTAIN OFFICERS OF SAMPSON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section two, of chapter two hundred and fifty, Public-Local Laws of one thousand nine hundred and twenty-five, be and the same is hereby amended by striking out the words "four thousand dollars", and inserting in lieu thereof the words "three thousand dollars".

Ch. 250, Public-Local Laws 1925, amended, relative to salaries in Sampson County.

Clerk of Court,
\$3000.

SEC. 2. That section three, of chapter two hundred and fifty, Public-Local Laws of one thousand nine hundred and twenty-five, be and the same is hereby amended by striking out the words "four thousand dollars", and inserting in lieu thereof the words "three thousand dollars".

Register of
Deeds, \$3000.

SEC. 3. That this act shall apply to the Clerk of the Superior Court and Register of Deeds of Sampson County elected after the ratification of this act.

Applicable
after next
election.

Conflicting laws
repealed.

SEC. 4. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 5. That this act shall be in full force and effect from and after its ratification.

Ratified this the 25th day of April, A.D., 1931.

CHAPTER 432

AN ACT TO CLARIFY THE FEES CHARGED BY THE CLERK OF THE SUPERIOR COURT OF CASWELL COUNTY FOR PROBATING, AND THE REGISTER OF DEEDS OF CASWELL COUNTY FOR RECORDING IRREGULAR INSTRUMENTS.

The General Assembly of North Carolina do enact:

Fees of Clerk of
Court of Caswell
County for probating
irregular
instruments.

Fees of Register
of Deeds for
recording.

SECTION 1. That the Clerk of the Superior Court of Caswell County shall be allowed the sum of twenty-five (25c) cents for probating all irregular instruments.

SEC. 2. That the Register of Deeds shall be allowed the sum of eighty (80c) cents for the first three hundred words and ten (10c) cents for each one hundred words thereafter for recording all irregular instruments.

Other fees
unaffected.

SEC. 3. That this act shall not be construed to interfere with the fees now allowed by law for probating and recording instruments, the form of which is provided by statute.

Conflicting laws
repealed.

SEC. 4. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 5. That this act shall be in force from and after its ratification.

Ratified this the 25th day of April, A.D., 1931.

CHAPTER 433

AN ACT TO REPEAL CHAPTER FIVE HUNDRED THIRTY-TWO, PUBLIC-LOCAL AND PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED TWENTY-SEVEN, RELATIVE TO THE ENFORCEMENT OF THE PROHIBITION LAW IN POLK COUNTY, AND TO REENACT ITS PROVISIONS AS AMENDED.

The General Assembly of North Carolina do enact:

Ch. 532. Public-
Local Laws 1927,
repealed, rela-
tive to prohibi-
tion enforcement
in Polk County.

SECTION 1. That chapter five hundred thirty-two, Public-Local and Private Laws of one thousand nine hundred twenty-seven, be, and the same is, hereby repealed as it relates to Polk County.

SEC. 2. That any person who shall be convicted of public drunkenness in Polk County, or who shall be found in a drunken or intoxicated condition on any public highway or at any post-office, church, school, picnic ground or other public gathering in said county where people are assembled for any lawful purpose shall be fined not in excess of fifty dollars or imprisoned for not more than thirty days.

Public drunkenness punished.

SEC. 3. That this act shall apply only to the County of Polk.

SEC. 4. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Conflicting laws repealed.

SEC. 5. That this act shall be in force and effect from and after its ratification.

Ratified this the 25th day of April, A.D., 1931.

CHAPTER 434

AN ACT AUTHORIZING THE TRANSFER OF PART OF THE SURPLUS IN THE BOND FUND OF BEAUFORT COUNTY TO THE GENERAL COUNTY ROAD FUND OF BEAUFORT COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. The Board of County Commissioners of Beaufort County and the Beaufort County Road Commission are hereby authorized and empowered to transfer on the books of the Beaufort County Road Commission, from the surplus and unexpended balance of the bond fund now carried on the books of said Beaufort County Road Commission amounting to fifteen thousand one hundred and twenty-seven dollars and nineteen cents, to the County Road fund of said Beaufort County Road Commission (the purpose for which said bonds were issued having been fully carried out) an amount sufficient to pay the deficit of the Beaufort County Road Commission on July the first, one thousand nine hundred and thirty-one, and balance of said surplus and unexpended balance shall be used to retire the road bonds from sale of which said fund was derived.

Transfer of surplus bond funds to road fund in Beaufort County.

Provided: Pending collection of taxes levied for one thousand nine hundred and thirty for road purposes the balance of said fund may be loaned by the Bond Fund to the Road and Bridge Fund of said County.

To pay road deficit.

Loan to road and bridge fund permitted.

SEC. 2. All laws and clauses of laws in conflict herewith are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this act shall be in effect from and after its ratification.

Ratified this the 25th day of April, A.D., 1931.

CHAPTER 435

AN ACT TO AUTHORIZE THE SCHOOL AUTHORITIES AND COUNTY AUDITOR OF CRAVEN COUNTY TO ISSUE CERTIFICATES OF INDEBTEDNESS TO TEACHERS.

The General Assembly of North Carolina do enact:

Certificates of indebtedness ordered issued to school teachers in Craven County for current salaries.

SECTION 1. That the Board of Education of Craven County, the Superintendent of Public Instruction, and the County Auditor of said County, and/or any Board of School Committeemen of any Local Taxing School District of Craven County, be and they are hereby fully authorized and empowered in their discretion to issue to the school teachers employed in the public schools of said county for the six months term, and/or to any teachers employed in any Local Taxing School District for any extended term, certificates of indebtedness or warrants, drawn upon the Treasurer of Craven County, in payment of salaries of the school teachers for any part of the six months term, or for any extended term.

Form of Certificates.

SEC. 2. That said certificates of indebtedness, or warrants or vouchers, shall be issued in such form as the Auditor of Craven County may determine; that said certificates, vouchers or warrants shall state on their face that they are payable only out of the current expense fund for school teachers salaries, if for any part of the six months term, and/or out of local school taxes levied in any district, if for the extended term; and shall only be payable by the Treasurer of Craven County when the funds derived from said taxes from the current expense fund for teachers for the six months term, and/or only when the funds derived from said Local School taxes in any district are available for said purposes.

Payable out of current expense fund.

When payable.

Made legal and valid obligations of County.

SEC. 3. That when any of the said certificates of indebtedness, warrants or vouchers herein authorized have been duly issued, they shall constitute the legal and valid obligations of Craven County (if issued for any part of the six months term) and/or of any Local Taxing School District of Craven County (if issued for any part of the extended term), and they shall be a direct charge against the proceeds of the current expense fund for the payment of school teachers for the six months term, and/or against the proceeds of the local taxes levied in any Local Taxing District, for the present fiscal school year one thousand nine hundred thirty—one thousand nine hundred thirty-one; and it shall be lawful for said certificates of indebtedness, warrants or vouchers to be issued in negotiable form, as the county auditor of Craven County may determine.

Direct charge against current expense fund.

May be negotiable.

Applicable only to present school year.

SEC. 4. That said certificates of indebtedness, warrants or vouchers authorized by this act shall only apply to the payment

of the salaries of school teachers, for the remaining unpaid portion for the six months term, and/or to all or any part of the salaries of school teachers in any Local Taxing School District for the extended school term, for the present school year one thousand nine hundred thirty—one thousand nine hundred thirty-one.

SEC. 5. That the Board of Commissioners may in their discretion relieve school teachers and any other employees of Craven County, from the penalties and interest accruing on taxes, where the county is indebted to said parties, the reduction to be made from the maturity of the obligation by the county.

County may relieve teachers of tax penalties.

SEC. 6. That all laws and parts of laws inconsistent with the provisions of this act be and the same are hereby repealed.

Conflicting laws repealed.

SEC. 7. That this act shall be in full force and effect from and after its ratification.

Ratified this the 25th day of April, A.D., 1931.

CHAPTER 436

AN ACT TO REGULATE THE SALE OF CORN IN EDGE-COMBE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. If any person, firm or corporation shall buy or receive for a price, or for any reward or value whatsoever, any corn either shelled or on the ear, without entering upon a book or other permanent record, to be kept for that purpose, the date of such buying or receiving, the number of pounds or quantity bought or received, the name of the person selling or delivering such corn, the name of the owner of the land on which such corn has been raised, such person, firm or corporation shall be guilty of a misdemeanor.

Buying or selling of corn in Edgecombe County without making permanent record thereof made misdemeanor. Contents of record.

SEC. 2. That such book or permanent record as herein provided, shall be kept open at all business hours for public inspection, and any person, firm or corporation failing or refusing to exhibit or permit the inspection of such book by any officer or citizen of the county, shall be guilty of a misdemeanor.

Failure to keep record open for public inspection made misdemeanor.

SEC. 3. That any person, firm or corporation, who shall knowingly, or with reasonable cause to believe, make any entry upon such book or permanent record in a fictitious name or in any name other than the true name of the person intended, shall be guilty of a misdemeanor.

False entries on record made misdemeanor.

SEC. 4. In prosecution under this act, it shall only be necessary for the State to allege and prove that the defendant bought or received such corn as charged, and the burden shall

Prima facie case.

be upon the defendant to show that he has in good faith complied with the provisions of this act.

SEC. 5. Any person, firm or corporation violating any one or more of the provisions of this act shall be guilty of a misdemeanor and shall be fined or imprisoned in the discretion of the Court.

SEC. 6. That this act shall apply only to Edgecombe County.

SEC. 7. This act shall be in full force and effect from and after its ratification.

Ratified this the 29th day of April, A.D., 1931.

CHAPTER 437

AN ACT TO AUTHORIZE COUNTY COMMISSIONERS TO ABOLISH COUNTY RECORDER'S COURTS.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of County Commissioners of any county in which a county recorder's court has been established under the provisions of chapter twenty-seven, article nine, of Consolidated Statutes of one thousand nine hundred nineteen, and acts amendatory thereof, may abolish the county recorder's court at any time by resolution to that effect, upon the voluntary resignation of the judge and solicitor of said court.

SEC. 2. That all causes pending in the county recorder's court when the same shall be abolished shall be transferred to the docket of the Superior Court of the county, or to the docket of the General County Court, if there is a General County Court in said county.

SEC. 3. That this act shall apply to Burke County only.

SEC. 4. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 5. That this act shall be in force from any after its ratification.

Ratified this the 29th day of April, A.D., 1931.

CHAPTER 438

AN ACT TO PERMIT THE BOARD OF COMMISSIONERS OF FORSYTH COUNTY TO REMOVE BODIES FROM THE GREENLEAF COLORED CEMETERY.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Commissioners of Forsyth County be, and they are, hereby authorized to remove or cause to be removed, the bodies now located in what is known as the Greenleaf Colored Cemetery, which is located in the County of

Violation of
Act made
misdemeanor.

Abolition of
Burke County
Recorder's
Court upon
resolution of
Commissioners
when judge
and solicitor
voluntarily
resign.

Transfer of
cases to other
courts.

Conflicting laws
repealed.

Removal of
bodies from
Greenleaf
Colored Ceme-
tery in Forsyth
County
authorized.

Forsyth, north of the City of Winston-Salem, N. C., to some suitable and public burying ground, or cemetery; *Provided*, that before the removal of said graves, notice of such actions shall be published in some newspaper published in Forsyth County once a week for four successive weeks.

Publication of notice of removal.

SEC. 2. This act shall be in full force and effect from and after its ratification.

Ratified this the 29th day of April, A.D., 1931.

CHAPTER 439

AN ACT PROVIDING FOR THE CONTINUANCE OF CASES CALENDARED FOR TRIAL IN THE SUPERIOR COURT OF GUILFORD COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. *Continuance by Consent of Counsel.* Any case calendared for trial at any civil term of Superior Court shall be continued for the term by the judge presiding over or holding the same upon the written consent of counsel for the plaintiff or plaintiffs and for the defendant or defendants or upon such consent orally given in open court.

Continuance of cases by consent of counsel in Guilford County Superior Court.

SEC. 2. *Purpose of Act.* This act is intended to provide an additional legal reason for the continuance of a case calendared for trial and shall not be construed to limit the existing authority of the presiding judge to continue any case as a matter of discretion or for good cause shown.

Additional reason for continuance.

SEC. 3. *Applicable to Guilford County.* This act shall apply only to Guilford County.

SEC. 4. *Effective Date.* This act shall be effective upon its ratification.

Ratified this the 29th day of April, A.D., 1931.

CHAPTER 440

AN ACT TO ESTABLISH GREENVILLE ELECTRIC SERVICE DISTRICT.

Whereas, general development of farms and homes in Pitt County beyond the corporate limits of the several towns requires the use of electric current which is now not available to them; and

Preamble: Need of electric current throughout Pitt County.

Whereas, the general welfare of Pitt County, and especially Greenville, its county seat, and the other incorporated towns therein, can be promoted by the general distribution of electric current throughout Pitt County; and

Ch. 330, Public-Local Laws 1929, re-enacted.

Duplicate and idle machinery.

Whereas, Greenville and other towns within Pitt County for the primary purpose of supplying its citizens, homes therein, and general needs, adequate at all times, electric current, own and operate large electric current producing plants which necessitate stand-by or duplicate machinery and equipment seldom used more than four hours out of the twenty-four, to-wit, between the hours of six and ten o'clock P. M., thus causing much of such equipment, under present conditions, to be idle approximately twenty hours out of each twenty-four; and

Central distribution advisable.

Whereas, the general development of homes and farms within Pitt County can be materially promoted by the use of electric current of said town, which may be produced and distributed without loss or burden on such town, mainly during the twenty hours out of each twenty-four when surpluses thereof do exist and the machinery for the production thereof is mostly idle; that such promotion of welfare will be materially beneficial to such towns and Pitt County generally; Now, Therefore,

The General Assembly of North Carolina do enact:

Greenville Electric Service District created.

SECTION 1. That there is hereby established Greenville Electric Service District as an amendment to the charter of the Town of Greenville.

Boundaries of District same as those of Pitt County.

SEC. 2. That the boundaries of Greenville Electric Service District are hereby established and are as follows: to-wit, the boundaries of Pitt County as the same exist on this day in detail as specifically as if the boundaries of Pitt County were herein copied.

Towns in County authorized to maintain transmission lines and operate same outside of town limits.

SEC. 3. That the City of Greenville and other towns within the boundaries of Greenville Electric Service District, through their respective agencies, are hereby permitted, authorized and empowered in the exercise of their discretion, expressed by proper resolution, to build and maintain efficient lines and auxiliaries thereto for the transmission of electric current and operate the same beyond the corporate limits of Greenville and other towns within the boundaries of said district and any other adjoining counties, for the purpose of transmitting and selling electric current throughout Pitt County and any other adjoining counties for the primary purpose of promoting the development of homes and farms and the general welfare of the people within said territory and to charge therefor reasonable compensation as municipal corporations, political sub-divisions of the Government of the State of North Carolina, with all the privileges and immunities existing in favor of municipalities operating within the boundaries herein mentioned.

*Franklin
Wilmington
Edgemont
Blount
Waynes
Catawba
Guilford*

Privileges and immunities.

SEC. 4. Nothing in this act shall be construed to empower the furnishing, sale or transmission of electric current for the objects herein expressed unless such electric current shall be

Furnishing of current limited to Pitt County.

directly furnished, provided or sold by the City of Greenville or by some other town within the boundaries of Pitt County.

SEC. 5. That all acts by the towns within said district relative to property tending to accomplish the purpose of this act are hereby ratified, confirmed and validated and made legal acts of the respective towns.

Validation of acts looking toward establishment of District.

SEC. 6. That all laws and clauses of laws in conflict herewith are hereby repealed.

Conflicting laws repealed.

SEC. 7. That this act shall be in force from and after its ratification.

Ratified this the 29th day of April, A.D., 1931.

CHAPTER 441

AN ACT TO VALIDATE THE OFFICIAL ACTS OF J. O. PURNELL, A JUSTICE OF THE PEACE OF FRANKLIN COUNTY.

Whereas, J. O. Purnell, a Justice of the Peace of Franklin County, continued to perform the acts of his office without having requalified after the expiration of the term for which he had been appointed; *Now, Therefore*,

Preamble.

The General Assembly of North Carolina do enact:

SECTION 1. That each and all of the official acts of the said J. O. Purnell, a Justice of the Peace, done and had by him in Franklinton Township, Franklin County, after the seventeenth day of June, one thousand nine hundred and twenty-nine, and before the twenty-third day of April, one thousand nine hundred and thirty-one, including all judgments rendered, probates taken, marriages performed, and any and all other acts whatsoever, be and the same are hereby in all respects validated.

Official acts of J. O. Purnell, Franklin County. Justice of the Peace, validated.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this act shall be in full force and effect from and after its ratification.

Ratified this the 29th day of April, A.D., 1931.

CHAPTER 442

AN ACT TO GIVE ACTIONS OF CLAIM AND DELIVERY PRIORITY ON CALENDAR AT NEXT CIVIL TERM FOLLOWING ISSUANCE AND FILING OF PLEADINGS IN SAME.

The General Assembly of North Carolina do enact:

SECTION 1. In all civil actions in which the provisional writ of claim and delivery has been issued, and in which the plaintiff has filed complaint and the defendant has filed answer,

Priority of claim and delivery actions in Pitt County Superior Court.

such action, shall at the request of either the plaintiff or defendant be set down for trial upon the issue raised at the next ensuing term of the court in which such action is pending, and the trial of such action shall take priority and preference, due regard being had to the order in which such actions are adopted.

SEC. 2. This act shall apply only to the County of Pitt.

SEC. 3. That this act shall take effect from and after its ratification.

Ratified this the 29th day of April, A.D., 1931.

CHAPTER 443

AN ACT TO AMEND CHAPTER TWO HUNDRED SEVENTY-TWO PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED TWENTY-NINE RELATING TO A PEACE OFFICER'S RELIEF FUND FOR THE CITY OF WINSTON-SALEM AND THE COUNTY OF FORSYTH.

The General Assembly of North Carolina do enact:

SECTION 1. That section six of chapter two hundred and seventy-two of the Public-Local Laws of the General Assembly of one thousand nine hundred and twenty-nine be amended by striking out the following words in lines two and three: "brought in courts other than courts of a Justice of the Peace" and by inserting the following in line fifteen of said section:

"*Provided*, that in cases in which a Justice of the Peace or the Municipal Court of the City of Winston-Salem acts as committing magistrate such fee shall not be charged, and that in cases appealed to the Superior Court from a Justice of the Peace, or from the Municipal Court of the City of Winston-Salem, no such fee shall be charged in the Superior Court in addition to the fee charged in the court of original jurisdiction," so that section six of said act as amended shall read as follows:

"SEC. 6. Source of Revenue. That in all criminal actions in Forsyth County, North Carolina, wherein the defendant shall enter a nolo contendere, a plea of guilty, or shall be adjudged guilty by the court or found guilty by a jury, wherein the costs of the action are paid by the defendant, there shall be taxed in the bill of costs a fee of one dollar, to be known as the Officer's Emergency Fee, and shall be collected, as all other costs in criminal cases are collected by the clerk or other officers of the court authorized to receive costs; and such funds so received shall be accounted for monthly, a copy of which report shall be sent to the chairman of the executive board, and such funds turned over to the Treasurer of Winston-Salem and Forsyth

Ch. 272, Public-Local Laws 1929, amended, relative to Peace Officers Relief Fund of Winston-Salem and Forsyth County.

Method of collecting Emergency Fee in inferior courts.

New section 6 relative to sources of revenue, as amended.

Method of collecting Fee.

Monthly accounting.

County Protective Association, to be by him held and securely kept for the purpose of the association; *Provided, however*, that such Officer's Emergency Fee of one dollar shall not be taxed in the costs in cases of violation of city ordinances, donations and contributions to said Winston-Salem and Forsyth County Peace Officer's Relief Fund may be received from any source approved by the executive board; *Provided*, that in cases in which a Justice of the Peace or the Municipal Court of the City of Winston-Salem acts as committing magistrate such fee shall not be charged and that in cases appealed to the Superior Court from a Justice of the Peace, or from the Municipal Court of the City of Winston-Salem, no such fee shall be charged in the Superior Court in addition to the fee charged in the Court of original jurisdiction."

When Fee is not to be collected.

SEC. 2. That all Justices of the Peace of Forsyth County shall tax in their bill of cost the fees provided by the preceding section and shall report to the Clerk of the Superior Court not later than the fifth day of each month all costs taxed by them in all criminal cases, fully itemized by cases on forms prepared and approved by the Clerk of the Superior Court. Any Justice of the Peace who wilfully fails to make such report within such time or who knowingly makes a false report or who knowingly fails to report any item taxed or collected, whether or not the same shall be legally taxable or collectible, shall be guilty of a misdemeanor and shall be punished in the discretion of the Court.

Fee collected in courts of Justices of the Peace.

Monthly accounting.

False reports made criminal.

SEC. 3. This act shall be in full force and effect from and after its ratification.

Ratified this the 1st day of May, A.D., 1931.

CHAPTER 444

AN ACT TO APPOINT A BOXING COMMISSION FOR WAYNE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the Mayor of the Town of Goldsboro is hereby empowered and authorized to appoint a boxing commission to consist of three citizens, who shall serve for a period not to exceed that of the mayor appointing said commissioners, and who shall serve without compensation.

Wayne County Boxing Commission created.

SEC. 2. That it shall be lawful to engage in, manage, or promote boxing exhibitions which do not exceed fifteen rounds in length; *Provided*, such boxing exhibitions shall be promoted by, for the benefit of, and under the auspices of fraternal, charitable or beneficial organizations; and, *Provided, further*: that said commission shall have full power and authority to

Boxing exhibitions permitted under charitable auspices.

Commission to supervise.

make such rules and regulations as in its discretion may be necessary for the proper regulation of such boxing exhibitions, and shall have power to prohibit or stop a match at any time, even after consent has been given for the holding of such boxing exhibition.

Staging exhibitions without consent of Commission or violation of rules of Commission made misdemeanor.

SEC. 3. That any person or persons guilty of engaging in or promoting, aiding or abetting such sparring matches without first having the written consent of said boxing commission, and any person or persons violating the rules and regulations of said commission or refusing to obey orders of said commission controlling a sparring match, shall be guilty of a misdemeanor, and shall be fined not more than five hundred dollars or imprisoned not more than six months, in the discretion of the Court.

Punishment.

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 5. That this act shall be in force and effect from and after its ratification.

Ratified this the 1st day of May, A.D., 1931.

CHAPTER 445

AN ACT TO FIX THE SALARY OF THE SHERIFF OF JOHNSTON COUNTY.

The General Assembly of North Carolina do enact:

Salary and expenses of Sheriff's office in Johnston County limited to \$18,000 per year.

SECTION 1. That on and after July first, one thousand nine hundred and thirty-one, the salary and expenses of the Sheriff of Johnston County, including all clerical help and deputies, shall be fixed by the Board of County Commissioners and shall not exceed eighteen thousand dollars per annum, which shall be full compensation for all duties and expense of the sheriff's office including the collecting of all taxes for the County of Johnston and subdivisions thereof and the service of all process. The sheriff shall appoint one office clerk, one stenographer, and six field deputies or more, if necessary, and shall pay the same from the amount allowed as salaries and expenses. That the aforesaid salaries shall be in lieu of all other compensation including fees and commissions of every kind, which are to be collected by the said sheriff and his deputies and placed to the credit of the General County Fund.

Sheriff's assistants.

Fees and commissions to be placed into General County Fund.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this act shall be and the same are hereby repealed.

Conflicting laws repealed.

Effective June 30, 1931.

SEC. 3. That this act shall be in force and effect from and after the thirtieth day of June, one thousand nine hundred and thirty-one.

Ratified this the 1st day of May, A.D., 1931.

CHAPTER 446

AN ACT TO CREATE AN EMERGENCY AND PENSION FUND FOR THE LAW ENFORCEMENT OFFICERS OF MECKLENBURG COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. This act shall be known and may be cited as "The Emergency and Pension Fund of Mecklenburg County", and shall apply to all law enforcement officers except as otherwise provided herein engaged in the enforcement of the criminal laws of the State of North Carolina within the County of Mecklenburg.

Emergency and Pension Fund created for police officers of Mecklenburg County.

SEC. 2. "Law enforcement officers" shall be deemed to include all peace officers in Mecklenburg County who are required by the terms of their employment to give their full time to the preservation of perfect order, the protection of life and property and the detection and prevention of crime and such special or part time peace officers as may be killed or permanently injured while in the actual discharge of official duties as such officers: *Provided*, such officers, in order to share in the benefits provided for in this act, shall register with the Officers Relief Board provided for on blanks to be furnished for that purpose and in a manner to be prescribed by said board giving such information as to the duty of employment, etc., that may be prescribed by said board.

"Law enforcement officers" defined.

SEC. 3. That the Mayor of the City of Charlotte, the Chief of Police of the City of Charlotte, the Chairman of the Mecklenburg County Board of Commissioners, the Sheriff of Mecklenburg County, the Chief of Rural Police and their successors in office be and they are hereby constituted members ex officio of a board to be known as "The Officers Relief Board of Mecklenburg County", to administer the provisions of this act and said board shall elect its own chairman and appoint an officer of the Board to be known as "Commissioner of the Emergency Fund of the County of Mecklenburg", who shall also act as Secretary and Treasurer of the Board and shall act under the instructions of the Board in all matters pertaining to the administration of this act. And the Board shall require the Secretary and Treasurer to give good and sufficient bond, the amount to be determined in the discretion of the Board, for the proper performance of his duties as such. The premium of said bond shall be paid out of the fund herein provided for.

Registration with Officers Relief Board.

Personnel of Officers Relief Board.

Selection of chairman and secretary and treasurer.

Bond of secretary and treasurer.

SEC. 4. That in order to provide funds for "The Emergency Pension Fund of the County of Mecklenburg" herein set out, there shall be taxed in the bill of costs in all criminal cases in any Court other than that of Justice of Peace wherein there is a conviction or a plea of guilty, a fee of one (\$1.00) dollar to

Taxing of Emergency and Pension Fee in bills of costs in courts.

Fee of \$1.00.

be known as "The Emergency and Pension Fee" and the same shall be collected by the Clerk of the City Recorder's Court, the Clerk of the County Recorder's Court and the Clerk of the Superior Court and shall be paid to the Treasurer of the "Officers Relief Board of Mecklenburg County" or in cases of appeal from said City Recorder's Court or County Recorder's Court to the Superior Court, the Clerk of the Superior Court shall collect said fees and pay the same to the Treasurer of the "Officers Relief Board of Mecklenburg County." All money collected by the Clerk of the City Recorder's Court, Clerk of the County Recorder's Court shall be paid over to the Treasurer of the "Officers Relief Board of Mecklenburg County" once each week and all of said money collected by the Clerk of the Superior Court shall be paid over to the Treasurer of the "Officers Relief Board of Mecklenburg County" on the first day of each and every month and they shall accompany such remittance with a detailed and itemized statement of the cases in which said funds have been collected, the blank forms for said statement shall be furnished by the "Officers Relief Board of Mecklenburg County" herein provided for. In all cases where the defendant is committed to the roads, the fee herein provided shall not be charged against said defendant where said defendant serves the sentence imposed by the Court and it is further provided that the one dollar (\$1.00) fee hereinbefore set out shall not be collected in cases of conviction or plea of guilty for the violation of the traffic or highway laws by use of a motor vehicle where the punishment provided by the Statute is not in excess of fifty dollars (\$50.00) fine or thirty days (30) imprisonment; the said fee shall be collected in all other cases for violation of said laws where the punishment fixed by the Statute is in excess of the penalties herein before mentioned; *Provided further*, that where the defendant is convicted on more than one charge, the fee hereinbefore provided for shall only be taxed in the cost in one conviction.

SEC. 5. The funds accumulated under this act shall be known as the "Emergency and Pension Fund of the County of Mecklenburg", and shall be used as a fund for all arresting officers, as defined in section two hereof, and their families, under the following terms and conditions, that is to say: If an officer while in the actual performance of his duties shall become disabled, there shall be paid to him a sum not in excess of five hundred dollars (\$500.00), and a monthly pension while so disabled not in excess of seventy-five dollars (\$75.00) per month, and the board may pay to such disabled officer an additional sum not in excess of twenty dollars (\$20.00) per month for each child or dependent under the age of eighteen years while the disability of such officers may exist and while the

Application of fees.

Monthly statements and accounting.

Cases wherein fee is not to be charged.

Fee collectible on only one of several charges.

Method of disbursing funds to officers.

Maximum amount to those disabled.

Additional amounts for dependents.

said officer shall live; and in case of death resulting while in the actual performance of his duties, if the officer shall be married, the board may pay immediately to the widow of such officer a sum not in excess of five hundred dollars (\$500.00), and may further pay a sum not in excess of fifty dollars (\$50.00) per month for said widow during widowhood, and, in addition thereto, the board may pay the said widow for the support of any dependent children she may have, a sum not in excess of twenty dollars (\$20.00) per month for each child until said child shall reach the age of eighteen (18) years; and in case of death resulting while in the actual performance of official duties under this act where the individual or officer as herein defined may be unmarried, the board may pay to the nearest dependent next of kin of deceased a sum not in excess of five hundred (\$500.00) dollars, or in lieu thereof the board may pay the funeral expenses of deceased not in excess of five hundred (\$500.00) dollars; and it is further the true intent, meaning and purpose of this act that the board shall be empowered hereunder, in its discretion, to pay any amount less than the maximum enumerated, and said board may refuse to make a payment of any amount in any case in any or all of the classes herein enumerated.

Maximum payments in event of death.

Additional amounts for dependents.

Funeral expenses.

SEC. 6. The Board created under the provisions of this act shall serve without compensation. The Secretary and Treasurer of said Board shall receive such compensation as may be provided by the Board not to exceed the sum of fifty (\$50.00) dollars per month, and the said Board shall have full power and authority to pay all expenses for administering this act including the purchase of supplies, legal advice, etc., out of the fund provided for herein. The Board shall have authority to make such rules, regulations and provisions as may be necessary to the proper administration of this act.

Board to serve without pay.

Salary of secretary and treasurer, \$50 per month.

Necessary expenses.

SEC. 7. Any person or officer of Court covered by the provisions of this act who shall fail to comply with the provisions of this act and make proper accounting and remittance to the Treasurer designated by the Board, or to the Secretary, funds collected under and by virtue of this act, as provided herein, shall be guilty of a misdemeanor, and, upon conviction, shall be fined or imprisoned, in the discretion of the Court.

Violation of terms of act made misdemeanor.

SEC. 8. All laws and clauses of laws in conflict with this act are hereby repealed, and if any section hereof be decided by the Courts to be unconstitutional or invalid, the same shall not affect the validity of this act as a whole or any part thereof, other than the part decided to be unconstitutional or invalid.

Conflicting laws repealed.

Constitutional parts of act upheld.

SEC. 9. This act shall be in force and effect from and after the first day of June, one thousand nine hundred and thirty-

When act takes effect.

one, but disbursement of funds in accordance with the act, except for necessary expenses of administration, and organization, shall not commence until the first day of December, one thousand nine hundred and thirty-one.

Ratified this the 1st day of May, A.D., 1931.

CHAPTER 447

AN ACT TO AMEND CHAPTER FIFTY-TWO OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED TWENTY-NINE, RELATING TO THE RECORDER'S COURT OF LEAKSVILLE TOWNSHIP, IN ROCKINGHAM COUNTY.

The General Assembly of North Carolina do enact:

Ch. 52, Public-Local Laws 1929, amended.

SECTION 1. That section two of chapter fifty-two of the Public-Local Laws of one thousand nine hundred and twenty-nine be and the same is hereby amended by adding to said section the following:

Filing notice of candidacy for office of Recorder of Leaksville Township Recorder's Court, Rockingham County.

"That each candidate for the office of Recorder shall, at least thirty days before the day of election of said Recorder, file with the Clerk of the Board of County Commissioners of Rockingham County, a notice of candidacy, stating his intention to be a candidate for said office of Recorder, and each and every candidate shall, at the time of filing notice, pay to the said clerk the sum of ten dollars, as a filing fee, said sum to be deposited with the General County Fund; and only those persons who file notice of candidacy and pay such fee as herein required shall be voted for in said election."

Filing fee of \$10.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this act are hereby repealed.

Effective June 1, 1931.

SEC. 3. This act shall be in force and effect from and after the first day of June, one thousand nine hundred and thirty-one.

Ratified this the 1st day of May, A.D., 1931.

CHAPTER 448

AN ACT TO REQUIRE THE SHERIFF OF ROBESON COUNTY AND THE TAX COLLECTORS OF ALL MUNICIPALITIES IN SAID COUNTY TO ACCEPT QUARTERLY PAYMENTS OF TAXES.

The General Assembly of North Carolina do enact:

Taxes payable in quarterly installments in Robeson County.

SECTION 1. That the Sheriff of Robeson County and the tax collectors of each and every municipality in said county be and they are hereby authorized, directed and required to accept quarterly payments on taxes of not less than twenty-five per

cent of the amount of taxes due said county or municipality by any taxpayer thereof.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this act shall be in full force and effect from and after its ratification.

Ratified this the 7th day of May, A.D., 1931.

CHAPTER 449

AN ACT TO PROHIBIT THROWING LAPS OF TREES IN THE STREAMS OF AVERY, WATAUGA AND HERTFORD COUNTIES.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person, firm or corporation to throw or permit to be thrown any laps or branches of trees in the streams of Avery, Hertford and Watauga Counties.

Throwing of laps of trees in streams of Avery, Watauga and Hertford Counties prohibited.

SEC. 2. That any one violating this act shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned in the discretion of the court.

Made misdemeanor.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Conflicting laws repealed.

SEC. 4. That this act shall be in full force and effect from and after its ratification.

Ratified this the 4th day of May, A.D., 1931.

CHAPTER 450

AN ACT TO PERMIT FISHING WITH TROT LINES AND NETS FOR CAT FISH IN THE TENNESSEE RIVER, GRAHAM COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be lawful for any person or persons to fish with trot lines and nets for cat fish in the Tennessee River, in Graham County.

Net fishing for cat fish permitted in Graham County.

SEC. 2. That all laws and clauses of laws and all rules and regulations in conflict with the provisions of this act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this act shall be in full force and effect from and after its ratification.

Ratified this the 4th day of May, A.D., 1931.

CHAPTER 451

AN ACT TO AMEND CHAPTER THREE HUNDRED AND SIXTEEN PUBLIC-LOCAL LAWS ONE THOUSAND NINE HUNDRED AND TWENTY-NINE RELATIVE TO DELINQUENT TAX PAYERS IN CRAVEN COUNTY AND TO REENACT SAME AS AMENDED.

The General Assembly of North Carolina do enact:

Ch. 316, Public-Local Laws 1929, amended.

Relates to delinquent tax payers in Craven County.

Law as amended re-enacted.

SECTION 1. That chapter three hundred and sixteen Public-Local Laws, one thousand nine hundred and twenty-nine, be amended as follows:

Strike out words "twenty-eight" in line four of section one and insert in lieu thereof the word "thirty".

Strike out words "thirty" in line eleven of section one and insert in lieu thereof the words "thirty-two".

Strike out words "twenty-eight" in line four of section three and insert in lieu thereof the word "thirty".

Strike out the word "thirty" in line twelve of section three and insert in lieu thereof the words "thirty-two".

SEC. 2. That said chapter three hundred and sixteen Public-Local Laws one thousand nine hundred and twenty-nine as herein amended is hereby reenacted.

SEC. 3. That this act shall be in force and effect from and after its ratification.

Ratified this the 4th day of May, A.D., 1931.

CHAPTER 452

AN ACT TO AMEND HOUSE BILL NUMBER SIX HUNDRED NINETY-EIGHT, RELATING TO THE FEES OF THE SHERIFF OF CALDWELL COUNTY.

The General Assembly of North Carolina do enact:

H. B. No. 698, Public-Local Laws 1931, amended, relative to fees of Caldwell County Sheriff.

SECTION 1. That instead of the fee of one (\$1.00) dollar, allowed the Sheriff of Caldwell County for serving *capias*, as set out in House Bill Number Six Hundred Ninety-eight, said fee shall be one dollar and one-half (\$1.50); and that he shall be allowed one dollar (\$1.00) each for serving civil executions and the commissions as now allowed by law; that for the service of each subpoena, he shall be allowed sixty (60c) cents.

SEC. 2. Except as herein amended, said House Bill Number Six Hundred Ninety-eight shall remain in full force and effect.

SEC. 3. This act shall be in full force and effect from and after its ratification.

Ratified this the 4th day of May, A.D., 1931.

CHAPTER 453

AN ACT CREATING THE OFFICE OF TAX COLLECTOR
IN SAMPSON COUNTY, AND FIXING THE FEES OF
THE SHERIFF OF SAMPSON COUNTY.

Whereas, the Sheriff of Sampson County, as a condition to his nomination and election to said office, in the one thousand nine hundred and thirty election pledged himself to conform to a bill creating a Tax Collector for Sampson County and relieving the sheriff of the duty now imposed upon him by law to collect taxes, and allowing the sheriff certain fees and expenses in full compensation for his services: and,

Whereas, it is necessary to relieve the sheriff of the duties of tax collector in order to expedite the collection of taxes:
Now, Therefore

The General Assembly of North Carolina do enact:

SECTION 1. That the office of the Sheriff and Tax Collector of Sampson County as now existing shall be separated as hereinafter provided.

Preamble:
Agreement of
Sampson County
Sheriff to support
appointment
of Tax Collector.

SEC. 2. That the Board of County Commissioners shall appoint a Tax Collector of Sampson County, who shall qualify and shall be responsible for the collection and settlement as provided by law for all taxes, whether general, special or privilege taxes. The tax collector shall take oath of office and enter upon his duties when the tax list and receipt books for the year one thousand nine hundred and thirty are delivered to him.

Separation of
offices of Sheriff
and Tax collector.

Appointment of
Tax Collector.

SEC. 3. That the Board of County Commissioners shall enter into an annual written contract with the tax collector, specifying therein the duties of his office and shall have power to discharge him for failure to perform said duties; and the Board of County Commissioners shall provide him with the necessary office space and office equipment, and shall fix his compensation, either a salary to be prorated among the various funds for which levies are made and accounts kept, or a commission on the amount of taxes collected, but in no event shall his compensation exceed the amount now allowed by law for the collection of taxes by sheriffs and tax collectors: *Provided*, that the tax collector shall receive no commissions on land sales. The tax collector may employ such assistant or assistants as he may deem necessary to aid in the discharge of his duties, but the compensation of such assistants shall be paid by the tax collector from the compensation allowed him under the provisions of this act, and the Board of Commissioners of Sampson County are hereby prohibited from paying any sum as salary to assistants to the tax collector from the funds of said county.

Oath of office

Contract of
Commissioners
with Tax
Collector.

Office space and
compensation.

No commissions
on land sales.
Assistants.

Duties and powers of Tax Collector.

SEC. 4. That the tax collector hereunder shall have all the powers heretofore conferred and all duties and penalties heretofore imposed by law upon the sheriff in his capacity as tax collector, and all such powers, duties and penalties are hereby transferred to said tax collector to be exercised and performed by him.

Official bond.

SEC. 5. That the said tax collector be required to give such bond as is now required by law of the sheriff in his capacity as tax collector, and any additional bond as the Board of County Commissioners may require, the premium of such bonds to be paid for by the county out of its general fund.

Settlement of Sheriff for 1930 taxes.

SEC. 6. That the Sheriff of Sampson County shall make a complete settlement for the taxes of nineteen hundred and thirty so far as said taxes are collected with the County Commissioners of Sampson County on the date that the tax collector qualifies and takes oath of office.

Office of Tax Collector may be combined with another.

SEC. 7. That the Board of County Commissioners may, in its discretion, combine the office of tax collector with any other elective or appointive office, and may, in its discretion, appoint such elective or appointive officer as tax collector in addition to his other duties, and one such person may hold both offices.

Fees and expenses of Sheriff.

SEC. 8. That the Sheriff of Sampson County shall be allowed the following fees and expenses in full compensation for the services herein set out, to-wit:

Enumerated.

Executing summons or other writ, order or notice, one dollar.

Arrest of a defendant in a civil action and taking bail, including justification and all services connected therewith, one dollar and fifty cents.

Arrest of a person indicted, including all services connected with the taking and justification of bail, one dollar and fifty cents.

Imprisonment of any person in a civil or criminal action, fifty cents; and release from prison, fifty cents.

Executing subpoena on a witness, fifty cents.

In attachment and claim and delivery proceedings for serving the original papers in each case, one dollar, and for taking the property claimed, one dollar, with the actual cost of keeping the same until discharged by law, to be paid on the affidavit of the returning officer.

Summoning a grand or petit jury, for each man summoned, fifty cents, and thirty cents for each person summoned on the special venire.

Service for writ of ejectment, one dollar and fifty cents.

For every illicit distillery completely equipped, seized as required by law, twenty dollars.

For all other fees and expenses not herein specifically set out, the Sheriff of Sampson County shall receive the compensation now allowed by law.

SEC. 8(a). That the Board of Commissioners may in its discretion allow the sheriff and/or one or more deputies to attend each term of civil, criminal, and recorder's court and pay out of the general fund of the county reasonable compensation for such services.

Provision for deputies.

SEC. 8(b). That the fees and expenses for similar services by a constable or other process servers shall be the same in Sampson County as provided herein for the sheriff.

Fees of other process officers.

SEC. 9. That the Chairman of the Board of County Commissioners shall receive annually a salary of twelve hundred dollars (\$1200.00) in full payment for his services and expenses as Chairman of the Board of County Commissioners, said salary to be paid in monthly installments out of the General Fund of the county: *Provided*, that for the year one thousand nine hundred and thirty-three and thereafter the Board of County Commissioners may reduce the salary of the chairman to a sum commensurate with the duties of his office at that time.

Salary of Chairman of Board of Commissioners, \$1200.

May be reduced in 1933.

SEC. 10. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Conflicting laws repealed.

SEC. 11. That this act shall be in force and effect from and after its ratification.

Ratified this the 4th day of May, A.D., 1931.

CHAPTER 454

AN ACT TO PLACE THE OFFICE OF COUNTY SOLICITOR UPON A SALARY BASIS, AND TO PROVIDE FOR A CLERK OF THE RECORDER'S COURT OF CLEVELAND COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the office of County Solicitor of the Recorder's Court of Cleveland County is hereby placed upon a salary basis, and said solicitor shall receive as compensation for his services a salary of eighteen hundred (\$1800) dollars per annum, to be paid monthly from the general or salary fund of said county, in the same way and manner as other county officers are paid. That said salary shall be in lieu of all fees heretofore received by said solicitor or payable to him under chapter four hundred and thirty-five of the Public-Local Laws of one thousand nine hundred and twenty-one and all acts amendatory thereof.

Solicitor of Cleveland County Recorder's Court placed on salary of \$1800.

Ch. 435, Public-Local Laws 1921, thus amended.

Salary fees to
be taxed in
bills of cost.

SEC. 2. That the fees now belonging to the office of county solicitor as provided for in chapter four hundred and thirty-five of the Public-Local Laws of one thousand nine hundred and twenty-one and all acts amendatory thereof, shall be taxed by the recorder against the defendant when convicted and when collected said fees shall be paid into the general fund of Cleveland County. That when the recorder shall order the prosecutor or person procuring the warrant to pay the costs of said action, he shall also tax a fee of three dollars and one half as solicitor's fee against said prosecutor or person procuring said warrant as a part of the costs in said action, and when collected said fee shall be paid into the general fund of Cleveland County.

Taxing fees
against
prosecutor.

SEC. 3. That the Clerk of the Superior Court of Cleveland County is hereby appointed as Clerk of the Recorder's Court of Cleveland County, and he shall do and perform all the duties hereinafter required as clerk to said court. He shall attend the sittings of said court, shall keep a permanent record of the daily minutes of all the proceedings of said court, which minutes shall be signed and approved by the recorder, he shall be the custodian of all the warrants, processes, papers, and records of said court, he shall collect all fines, costs, and forfeitures due by order of said court and shall make proper distribution of same as required by law. It being the intention of this act to require the said Clerk of the Superior Court to do and perform the same duties for the Recorder's Court as he now by law performs for the Superior Court, he shall do and perform generally all the duties of a clerk to said court. And in addition thereto he shall do and perform all those acts and things required to be done by the recorder in section eighteen of chapter two hundred and forty-three of the Public-Local Laws of one thousand nine hundred and eleven, the same being the act establishing the Recorder's Court in Cleveland County.

Clerk Superior
Court appointed
Clerk Recorder's
Court.
Duties as such.
Minutes.

Collection of
fines, etc.

Other duties.

Appointment of
Deputy Clerk
Superior Court
at salary of
\$1200.

SEC. 4. That Charles J. Woodson be and he is hereby appointed Deputy Clerk of the Superior Court of Cleveland County, and for his services he shall be paid a salary not in excess of twelve hundred (\$1200.00) dollars per annum, payable monthly, to be fixed by the County Commissioners and paid from the general or salary fund of said county, said appointment to be for a period of twelve months from date of qualification, and his successor to be appointed annually for a like period of twelve months, said appointment to be made by the County Commissioners, upon the recommendation and with the approval of the Clerk of the Superior Court of said county, and said deputy clerk is hereby made Deputy Clerk of the Recorder's Court for the purpose of enabling him to issue proces-

Term of office.

To serve
Recorder's Court.

ses of said court, and said deputy clerk is hereby granted the right, power, and authority to issue warrants and all other processes of the Recorder's Court, as well as of the Superior Court of said county.

SEC. 5. That the clerk to the Recorder's Court herein provided for shall have the right and it shall be his duty to sign and issue warrants and processes of every kind to the said Recorder's Court, and no warrant or process to said court running outside of Cleveland County shall be issued or shall be valid if issued unless same is signed either by the clerk to the Recorder's Court, the deputy clerk, or the recorder; and the fees allowed by law for the issuance of all warrants and processes by either of the above officers shall be taxed by the recorder as part of the costs in said action, and when collected shall be paid into the general fund of Cleveland County. In all actions in said Recorder's Court, civil or criminal, there shall be taxed by the recorder as part of the costs in each action an additional fee of one dollar to be known as the clerk's fee, and when collected shall be paid into the general fund of said county.

SEC. 6. That in no criminal case shall there be taxed as part of the cost against the defendant witness fees for more than two witnesses to prove any one material fact unless the recorder shall find and order that the fees of additional witness be allowed, or unless said witnesses were subpoenaed by or for the defendant. That in the event said defendant is acquitted or said action dismissed no fees due the witnesses of the defendant shall be taxed against the county, but same may in the discretion of the court be taxed against the prosecutor or person procuring said warrant.

SEC. 7. That it shall be the duty of the County Commissioners of Cleveland County to provide for and furnish said Clerk of the Recorder's Court such books, files, dockets, stationary, and other supplies as he may need in order to keep a proper and permanent record of all the proceedings of said court, and it shall also be their duty to furnish said clerk with a sufficient number or supply of blank warrants, summons, subpoenas, and other processes for the use of said Recorder's Court, and to provide for a suitable and proper place for the filing of all the records of said Recorder's Court in the office of the Clerk of the Superior Court of Cleveland County.

SEC. 8. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 9. That this act shall be in full force and effect from and after its ratification.

Ratified this the 4th day of May, A.D., 1931.

Execution of processes and warrants by Clerk.

Fees taxed in costs.

Clerk's fee taxed as part of costs.

Limitation of number of State's witnesses allowed.

No costs taxable against county.

Books, files, etc. furnished Clerk.

Conflicting laws repealed.

CHAPTER 455

AN ACT TO FURTHER THE ENFORCEMENT OF THE PROVISIONS OF THE NORTH CAROLINA GAME AND FISH LAWS AND THE GAME AND FISH LAWS OF ROCKINGHAM COUNTY.

The General Assembly of North Carolina do enact:

Police powers of certain officers in enforcing fish and game laws in Rockingham County.

SECTION 1. All Sheriffs, Deputy Sheriffs, Police Officers, Forest Wardens, Park Patrolmen, Refuge Keepers, Constables and all Deputy Game and Fish Wardens, duly appointed by the Department of Conservation and Development, receiving no fixed salary, are hereby made ex-officio deputy game and fish wardens, and it shall be their duty to aid in the enforcement of the North Carolina Game and Fish Laws and the Game and Fish Laws of Rockingham County, if any. In addition to fees to which such ex-officio warden may be entitled under the general law of this State, said ex-officio warden shall receive the sum of ten dollars (\$10.00) in any case involving a violation of said laws, in which he secures the evidence upon which the conviction was obtained, which shall be assessed against the defendant and paid by such defendant as a part of the cost in case of conviction; if no conviction is procured, no fee shall be taxed against the defendant or the county or State.

Allowed \$10 in each conviction.

No fees taxed against County.

SEC. 2. That act shall apply only to Rockingham County.

Conflicting laws repealed.

SEC. 3. All laws or parts of law in conflict herewith are hereby repealed.

SEC. 4. This act shall take effect upon ratification.

Ratified this the 4th day of May, A.D., 1931.

CHAPTER 456

AN ACT TO REPEAL CHAPTER THREE HUNDRED TWENTY-ONE. PUBLIC-LOCAL LAWS, ONE THOUSAND NINE HUNDRED SEVENTEEN, IN REGARD TO DEPREDATIONS OF DOMESTIC FOWLS IN DEEP CREEK TOWNSHIP, YADKIN COUNTY.

The General Assembly of North Carolina do enact:

Ch. 321. Public-Local Laws 1917, repealed; and Ch. 39, Public-Local Laws 1915, amended, relative to depredations by domestic fowls in Deep Creek Township, Yadkin County. Conflicting laws repealed.

SECTION 1. That chapter three hundred and twenty-one, Public-Local Laws, one thousand nine hundred and seventeen, be and the same is hereby repealed, it being the intent and purpose of this act to make the provisions of chapter thirty-nine, Public-Local Laws, one thousand nine hundred and fifteen, in regard to depredations of domestic fowls in Yadkin County applicable to Deep Creek Township, said county.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 3. That this act shall be in full force and effect from and after its ratification.

Ratified this the 4th day of May, A.D., 1931.

CHAPTER 457

AN ACT TO PROVIDE FOR THE PAYMENT OF PROPERTY TAXES DUE COLUMBUS COUNTY IN INSTALLMENTS.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Commissioners of Columbus County may provide by recorded resolution for the payment of property taxes of the levy of year one thousand nine hundred and thirty-one, and of any subsequent levy, by the taxpayers of the county in four equal installments, but poll tax and/or dog tax assessed against any taxpayer shall be included and paid in the first installment.

SEC. 2. Each taxpayer of the county shall be given a number of identification and the tax receipts shall be prepared in at least duplicate form and shall provide for three installment coupons to be detached upon payment of the amount thereof. Upon payment of fourth installment, the taxpayers shall be receipted in full: *Provided*, all other installments have been paid. Each installment coupon shall show at least the following:

- (a) The taxpayer's number.
- (b) The number of the installment.
- (c) The year for which the taxes are levied.
- (d) The name of the County and Township.
- (e) The total amount of the installment.
- (f) Due date of installments.

No installment coupon of property taxes shall be for less than five dollars.

SEC. 3. That any taxpayer who has failed to list his property for taxes within the time allowed by law shall not be permitted to pay his taxes by installments as provided by this act.

SEC. 4. That tax coupon number one shall be due and payable on or before the fifteenth day of October of each year. Tax coupon number two shall be due and payable on or before the fifteenth day of December each year. Tax coupon number three shall be due and payable on or before February fifteenth of each year. The original tax certificate or the last installment shall be due on or before the fifteenth day of April of each year.

SEC. 5. That upon payment of all taxes due the county (including all installments) by any taxpayer on or before the fifteenth day of October in each year, such taxpayer shall be allowed a discount of one per cent of said taxes. No discount shall be allowed on taxes paid after October fifteenth of each year, but the penalties as now provided by law shall be imposed on any installment of taxes which are not paid on or before their due dates.

Taxes in Columbus County payable in four installments.

Exceptions.

Installment coupons.

Receipt in full.

What installment coupons must show.

Minimum installment, \$5.

Privilege not allowed those who have failed to list.

When coupons are payable.

Discounts and penalties.

Levy and sale of personal property preserved.

SEC. 6. The personal property of any taxpayer shall be subject to levy and sale by the tax collector of Columbus County for the satisfaction of all taxes of said taxpayer in case of default in payment of the first and second installment, but the tax collector shall not levy or offer for sale the personal property of any taxpayer who has complied with this act by paying installments as they become due.

Conflicting laws repealed.

SEC. 7. That all laws and clauses of laws in conflict with the provisions of this act be and the same are hereby repealed.
 SEC. 8. This act shall be in full force and effect from and after its ratification.

Ratified this the 4th day of May, A.D., 1931.

CHAPTER 458

AN ACT TO PERMIT THE COMMISSIONERS OF RICHMOND COUNTY TO PROVIDE FOR BETTER LAW ENFORCEMENT.

The General Assembly of North Carolina do enact:

Rewards payable to Richmond County police officers for destruction of stills and capture of operators.

SECTION 1. That the Commissioners of Richmond County be and are hereby authorized and empowered in their discretion to pay to the sheriff of said county out of the general county funds a sum not exceeding ten (\$10.00) dollars, for the destruction of any liquor still and an additional sum of ten (\$10.00) dollars, for the capture of any person, or persons engaged in the operation of such still; *Provided, however,* that not in excess of the sum of four hundred (\$400.00) dollars, be paid in any one period of twelve months under the provisions of this act.

Limitation to be paid annually.

SEC. 2. This act shall apply only to Richmond County.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with the provisions hereof are hereby repealed.

SEC. 4. That this act shall be in full force and effect from and after its ratification.

Ratified this the 6th day of May, A.D., 1931.

CHAPTER 459

AN ACT RELATING TO THE BOND OF THE TREASURER OF GREENE COUNTY.

The General Assembly of North Carolina do enact:

Bond of Greene County Treasurer.

SECTION 1. That the Board of Commissioners of Greene County are hereby authorized to fix the amount of the bond of the Treasurer of Greene County, but the amount of said bond shall in no event be less than fifty thousand (\$50,000) dollars; *Provided, however,* if the board of commissioners exercise such power as is provided in section nineteen, chapter one hundred forty-six, Public Laws of one thousand nine hundred twenty-

If individual, \$50,000.

seven, relating to the designation of a bank or banks as official county depository or depositories, the minimum amount of the treasurer's bond may be fixed at twenty-five thousand (\$25,000) dollars, and the bond of the depository or depositories shall be in an amount sufficient to protect such deposits, but in no event less than the average daily bank balance of the county for the preceding year.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 3. That this act shall be in force and effect from and after its ratification.

Ratified this the 6th day of May, A.D., 1931.

If bank,
\$25,000.

Minimum
amount.

Conflicting laws
repealed.

CHAPTER 460

AN ACT TO CREATE A PEACE OFFICERS' RELIEF FUND FOR THE COUNTY OF PITT.

The General Assembly of North Carolina do enact:

SECTION 1. *Short Title.* That this act shall be known and may be cited as the Pitt County Peace Officers' Relief Act.

SEC. 2. *Definitions.* Peace officers shall be deemed to include all peace officers of the County of Pitt, North Carolina, or sub-divisions thereof including all cities, towns and members of the State Highway Patrol, who are required by the terms of their employment or election to give their full time to the preservation of public order, the protection of life and property, and the detection of crime; and all special officers or citizens who are injured or killed while aiding or assisting regular peace officers or while acting as such peace officers.

SEC. 3. *Creation of Association.* An association to be known and designated as the Pitt County Peace Officers' Protective Association shall be formed and the membership of which shall include all peace officers in Pitt County and the members of the State Highway Patrol as defined above.

SEC. 4. *Registration.* Peace officers who are entitled to membership in the association, in order to share in the benefits provided for in this act, shall make application for membership in the association on blanks to be furnished for that purpose, giving such information as may be required by said association, and shall pay an initiation fee and annual dues to be fixed by the executive board, hereinafter provided for. *Provided, however,* that such initiation fee shall not exceed five dollars and such dues shall not exceed twelve dollars an annum. *Provided, further,* that the provisions of this section shall not apply to special officers or citizens who have not had

Title of act.

"Peace officers"
defined.

Creation of
Pitt County
Peace Officers'
Protective
Association.

Registration of
peace officers
required.

Fees and dues.

Special officers
allowed addi-
tional time.

a reasonable time from date they were appointed, summoned or deputized, to register with said association. And *provided, further*, that said reasonable time shall not exceed thirty days.

Creation of executive board.

SEC. 5. *Creation of Executive Board.* The executive board shall consist of the Mayor of Greenville, the Mayor of Farmville, the Mayor of Bethel, the Mayor of Ayden, the Chief of Police of Greenville, the Chief of Police of Farmville and the Sheriff of Pitt County. The said board shall elect a chairman at its first meeting in each year. A majority of the members of said executive board shall constitute a quorum for the transaction of business.

Selection of chairman.

Quorum.

Sources of revenue.

SEC. 6. *Sources of Revenue.* That in all criminal actions in Pitt County, North Carolina, brought in courts other than courts of a justice of the peace, wherein the defendant shall enter a nolo contendere, a plea of guilty, or shall be adjudged guilty by the court or found guilty by a jury, wherein the costs of a fee of one dollar, to be known as the Officers' Emergency Fee, and shall be collected as all other costs in criminal cases are collected, by the clerk or other officer of the court authorized to receive costs; and such funds so received shall be accounted for monthly, a copy of which report shall be sent to the chairman of the executive board, and such funds turned over to the treasurer of the Pitt County Peace Officers' Protective Association, to be by him held and securely kept for the purposes of the association. Donations and contributions to said Pitt County Peace Officers' Relief Fund may be received from any source approved by the executive board.

Officers' Emergency Fee in criminal cases.

Monthly accounting of fees collected.

Donations and contributions.

Application of fund.

SEC. 7. *Application of Fund.* The money so paid into the hands of the treasurer of the Pitt County Peace Officers' Protective Association shall be known as the Pitt County Peace Officers' Relief Fund, and shall be used as a fund for the relief of members of said association who may be injured or rendered sick by disease contracted in the actual discharge of duty as a peace officer, and for the relief of their widows and children, and if there be no widow or children, then dependent mothers of such officers killed or dying from injuries or disease so contracted in such discharge of duty, and as a pension fund for peace officers grown old in line of duty, and also for the benefit of special officers or citizens injured as such peace officers. All persons entitled to benefits under this section shall make application to the executive board, above provided for, and said executive board shall investigate each such application and shall determine what benefits shall be paid. The decision of the executive board shall be final and conclusive as to what persons are entitled to benefits and as to the amount of the benefit to be paid, and said executive board shall have power to in-

Relief fund for officers when injured or sick.

For relief of dependents if officers are killed.

Pension for old officers.

Application for benefits.

Action of board final.

crease or decrease monthly benefits at any time, and no action at law or suit in equity shall be maintained against said association to enforce any claim or recover any benefit under this article or under the constitution or by-laws of said association; but if any officer or committee of said association omit or refuse to perform any duty imposed upon him or them, nothing herein contained shall be construed to prevent any proceedings against said officer or committee to compel him or them to perform such duty.

SEC. 8. The treasurer shall be the treasurer of Pitt County, North Carolina. The treasurer shall give good and sufficient surety in a sum not less than the amount of money on hand, such bond to be paid for out of the funds of the association, and shall make annual reports to the executive board showing the total amount of money in his hands at the time of the filing of the report and also on account of receipts and expenditures since his last report. The accumulated funds of the association may be invested in bonds and securities unanimously approved by the executive board. All interest and other income received from investments or deposits shall be added to the principal of said fund. Expenditures shall only be made upon vouchers properly signed by the chairman of the executive board, the secretary and the treasurer.

SEC. 9. *Salaries and Expenses.* All officers and members of the executive board shall serve without compensation, and no salaries shall be paid except an appropriation of twenty-five dollars per month for a secretary who shall be appointed by the executive board. Necessary office and stationery supplies shall be paid for out of the funds of the association.

SEC. 10. The Pitt County Peace Officers' Protective Association shall adopt a constitution and by-laws, to be approved by the executive board, suitable for carrying out the provisions and purposes of this act.

SEC. 11. The executive board shall have authority to insure the members of the Pitt County Peace Officers' Protective Association against death or disability, or both, during the terms of their employment or terms of office, under forms of insurance known as group insurance or other insurance, and the premiums on such insurance to be payable out of the funds of the association.

SEC. 12. *Funds not Taxable.* The current or accumulated funds of the association shall not be subject to State, county or municipal taxation.

SEC. 13. That this act shall be in full force and effect from and after its ratification.

Ratified, this the 9th day of May, A.D., 1931.

Treasurer
of fund.
Bond.

Annual
reports.

Investment
of funds.

Expenditures.

No salaries
except \$25 to
secretary.

Necessary
expenses.

Constitution
and by-laws.

Provision for
group insurance.

Funds not
taxable.

CHAPTER 461

AN ACT TO APPOINT EDWARD D. DAVIS SPECIAL ENFORCEMENT OFFICER FOR WARREN COUNTY FOR A TERM OF TWO YEARS.

The General Assembly of North Carolina do enact:

Appointment of special prohibition enforcement officer for Warren County.

SECTION 1. That Edward D. Davis of Warren County, be and he is hereby appointed special law enforcement officer for said county for a term of two years. Said officer shall have all the power and authority of the sheriff of the county in the enforcement of the prohibition law within the territorial limits of Warren County.

Fees.

SEC. 2. That the said special law enforcement officer shall receive the following compensation:

For materials seized.

Five dollars for each still cap taken, five dollars for each still worm taken, ten dollars for each still kettle taken or twenty dollars for each complete outfit of still, worm and cap taken, which compensation shall be paid by the county commissioners out of the general county fund. For the arrest and conviction of any person violating said prohibition law said officer shall receive the sum of twenty-five dollars to be taxed in the bill of cost against such convicted person if fined or to be paid by the county in case said person is sentenced to prison.

For arrest of violators.

Sheriff not relieved of like duties.

SEC. 3. That this act shall not have the effect however to relieve the sheriff of the county of the performance of any duties imposed upon him in the enforcement of any of the criminal laws of said county.

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 5. That this act shall be in full force and effect from and after its ratification.

Ratified this the 9th day of May, A.D., 1931.

CHAPTER 462

AN ACT RELATIVE TO FEES FOR FILING, DOCKETING AND INDEXING TRANSCRIPTS OF JUDGMENTS IN THE OFFICE OF THE CLERK OF THE SUPERIOR COURT OF ANSON COUNTY.

The General Assembly of North Carolina do enact:

Fees for filing transcripts of judgments by Anson County Superior Court Clerk.

SECTION 1. That the fee for filing, docketing and indexing transcripts of judgments in the office of the Clerk of the Superior Court of Anson County shall be the same as the fee charged for filing, docketing and indexing transcripts in the office of the Clerk of the Superior Court of the county from which the transcript of judgment is sent to Anson County.

SEC. 2. That all laws in conflict with this act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this act shall be in force and effect from and after its ratification.

Ratified this the 9th day of May, A.D., 1931.

CHAPTER 463

AN ACT TO CREATE IN CLEVELAND COUNTY THE OFFICE OF COUNTY AUDITOR, AND ASSIGN TO THAT OFFICE THE DUTIES NOW PERFORMED BY THE COUNTY ACCOUNTANT, THE TAX AUDITOR, AND THE COUNTY SUPERVISOR OF TAXATION.

The General Assembly of North Carolina do enact:

SECTION 1. That there be created or established in Cleveland County an office to be known as "County Auditor."

Creation of Cleveland County Auditor.

SEC. 2. That the County Auditor shall do and perform all duties now performed and required by law to be done by the County Accountant, and all duties which may hereafter be required by law to be done and performed by the County Accountant. That said County Auditor shall do and perform all duties now required by law to be done and performed by the County Supervisor of Taxation, and shall do and perform all duties which may hereafter be required by law to be done and performed by said County Supervisor of Taxation. That said County Auditor shall also do and perform all duties required by Chapter thirty-five, Public-Local Laws of Extra Session of one thousand nine hundred and twenty-one, to be done and performed by the Tax Auditor; and shall do and perform all duties now performed by said Tax Auditor, and shall do and perform all duties which are now or may hereafter be required by law to be done and performed by said Tax Auditor. It being the purpose and intention of this act to consolidate all work now being done, or which may hereafter be required to be done, by the County Accountant, the County Supervisor of Taxation, and the Tax Auditor into one office to be known as the County Auditor.

Succeeds to duties of County Accountant, Tax Auditor and Supervisor of Taxation.

Offices consolidated.

SEC. 3. That the County Auditor shall from time to time, at the request of the Board of County Commissioners of Cleveland County, attend the regular and special meetings of said Board and shall give said Board such information and knowledge as he may have in regard to the financial condition of the County, and shall consult and advise with said Board about any matter which he may think is of importance to the County.

Attendance upon meetings of Commissioners.

SEC. 4. That the County Auditor shall within thirty days after the first day of January of each and every year publish, or cause to be published, in some newspaper in Cleveland

Publication of annual statement showing salaries and expenses paid.

County a statement showing the total amount of salary and fees paid to each of the County officers during the preceding calendar year, which said statement shall also show the amount allowed and paid each of said officers for clerk hire or assistance, and any other expense allowed said office or officer other than office supplies.

Salary, \$3000.

SEC. 5. That for the performance of the duties herein prescribed the County Auditor shall receive a salary of three thousand (\$3,000.00) dollars per annum to be paid monthly from the general fund of said County in the same way and manner as other County officers are paid; that in addition thereto the Board of County Commissioners of said County may allow the County Auditor such clerical assistance as in their opinion may be necessary to make out the tax books of said County, and such other clerical assistance as may be necessary for the proper performance of the duties of said office of County Auditor. That the Board of County Commissioners shall also provide the County Auditor with a suitable and proper office in the Court House of said County.

Clerical assistance allowed.

Office space provided for.

A. E. Cline named Auditor

SEC. 6. That Mr. A. E. Cline of Cleveland County is hereby appointed as County Auditor, he being the present County Accountant, said appointment as County Auditor to become effective March first, one thousand nine hundred and thirty-one, and shall hold office during the regular term for which he has been appointed County Accountant; that after the expiration of said term the County Auditor shall be appointed in the same manner as is now the said County Accountant.

Term of office.

Disqualifications of candidates for office.

SEC. 7. That no member of the Board of County Commissioners of Cleveland County shall be eligible to the office of County Auditor: *Provided, however,* that this shall not apply to the present members of the Board of County Commissioners during the term for which they have already been elected.

Conflicting laws repealed.

SEC. 8. That all laws and clauses of laws in conflict with this act are hereby repealed.

Effective March 1, 1931.

SEC. 9. That this act shall be in full force and effect from and after March first, one thousand nine hundred and thirty-one.

Ratified this the 9th day of May, A.D., 1931.

CHAPTER 464

AN ACT TO EMPOWER THE BANK OF ENFIELD OR THE BANK OF HALIFAX OR BOTH AS FISCAL AGENT OR AGENTS FOR HALIFAX COUNTY.

The General Assembly of North Carolina do enact:

Certain banks named fiscal agents for Halifax County.

SECTION 1. That the Bank of Enfield, Enfield, North Carolina, and the Bank of Halifax, Halifax, North Carolina, or either of them, under the direction of the County Governing

Board are hereby empowered to serve as fiscal agent or agents for Halifax County under existing laws and subject to the same requirements as other county fiscal agents.

SEC. 2. All laws and clauses of laws in conflict with this act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This act shall be in full force and effect from and after its ratification.

Ratified this the 9th day of May, A.D., 1931.

CHAPTER 465

AN ACT TO AUTHORIZE AND EMPOWER THE COUNTY BOARD OF EDUCATION OF VANCE COUNTY TO EMPLOY PRINCIPALS OF HIGH SCHOOLS IN CONJUNCTION WITH SCHOOL COMMITTEES.

Whereas, Vance County has voted a county-wide special tax for extending the school term beyond the six months constitutional school term, and

Preamble:
County-wide special school tax in Vance County.

Whereas, said county has adopted a county-wide plan of taxing all the property in said county to raise said special school fund regardless of district lines and boundaries: Now, Therefore

The General Assembly of North Carolina do enact:

SECTION 1. That the County Board of Education of Vance County is hereby authorized and empowered to act in conjunction with the district committee in the selection and employment of principals of high schools in said county.

County Board of Education authorized to act with school committees in selecting high school principals.

SEC. 2. That this act shall not apply to graded or district schools acting under a special charter or power granted a board of trustees by the General Assembly.

Not applicable to graded or special charter schools.

SEC. 3. That all laws and clauses of laws conflicting with this act are hereby repealed.

Conflicting laws repealed.

SEC. 4. That this act shall be in full force and effect from and after its ratification.

Ratified this the 11th day of May, A.D., 1931.

CHAPTER 466

AN ACT TO ENABLE TAXPAYERS OF BRUNSWICK COUNTY AND OF SOUTHPORT TO PAY THEIR TAXES IN INSTALLMENTS.

The General Assembly of North Carolina do enact:

SECTION 1. That the taxpayers of the County of Brunswick and of the Town of Southport are hereby authorized to pay their annual ad valorem taxes under the following plan, commencing with the taxes for one thousand nine hundred and thirty-one.

Taxes in Brunswick County and Southport payable in installments of 33 1/3% each.

Due dates of installments.

One-third ($\frac{1}{3}$) thereof in the period beginning October first and ending December thirty-first of each year;

One-third ($\frac{1}{3}$) thereof for the period beginning December thirty-first and ending March thirty-first, and

One-third ($\frac{1}{3}$) thereof for the period beginning April first and ending June first.

The tax collectors of said county and town are hereby authorized and directed to receive all taxes paid to them upon the installment plan thus set out and to receipt for the same.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 3. This act shall take effect from and after its ratification.

Ratified this the 11th day of May, A.D., 1931.

CHAPTER 467

AN ACT TO PERMIT THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY TO DISCONTINUE OPERATION OF THE COUNTY HOME AND MAKE OTHER PROVISION FOR THE POOR AND INFIRM.

The General Assembly of North Carolina do enact:

Discontinuance of County Home in Lee County authorized.

SECTION 1. If in their discretion it is deemed advisable and to the best interests of the county and of the class of citizens affected, the Board of County Commissioners of the County of Lee are authorized and permitted to discontinue the operation of the County Home, and make suitable provision for the care and maintenance of the poor and infirm, who may be county charges, outside said home: *Provided, however*, that such poor shall be under the supervision of the county welfare officer: *Provided, further*, that the standard of care and maintenance shall not thereby be lowered or the comfort of said poor imperilled.

Care of inmates not to be imperilled.

Lease of property and application of proceeds.

SEC. 2. In the event the operation of the County Home is discontinued the Board of County Commissioners are authorized to lease the property for such purposes and upon such terms as they may deem best, the funds derived from said rental to be applied on the interest upon the County Home bonds.

Conditions authorizing discontinuance.

SEC. 3. No action shall be taken to discontinue operation of the County Home unless it shall appear that the average number of inmates therein is too small to justify the expense, and especially the overhead expense of the operation of said home.

Conflicting laws repealed.

SEC. 4. All laws in conflict herewith are hereby repealed.

SEC. 5. This act shall be in force from and after its ratification.

Ratified this the 11th day of May, A.D., 1931.

CHAPTER 468

AN ACT TO REPEAL CHAPTER FOUR HUNDRED AND FIFTY-SIX, PUBLIC-LOCAL LAWS, ONE THOUSAND NINE HUNDRED AND TWENTY-NINE, AND TO DECREASE THE BOARD OF EDUCATION OF GATES COUNTY FROM FIVE TO THREE MEMBERS.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter four hundred and fifty-six of the Public-Local Laws, one thousand nine hundred and twenty-nine, be and the same is hereby repealed.

Ch. 456,
Public-Local
Laws 1929,
repealed.

SEC. 2. That from and after the expiration of the terms of office of the present Board of Education of Gates County the Board of Education of said county shall be composed of three instead of five members and at the next primary to be held in Gates County in one thousand nine hundred and thirty-two, and every two years thereafter, there shall be nominated three members of said Board of Education to be elected by the next General Assembly as the Board of Education to serve for a term as provided by law to begin on the first Monday in April, one thousand nine hundred and thirty-three.

Gates County
Board of
Education
reduced to three
members.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Nomination of
members
in 1932.

SEC. 4. That this act shall be in full force and effect from and after its ratification.

Conflicting laws
repealed.

Ratified this the 13th day of May, A.D., 1931.

CHAPTER 469

AN ACT TO RATIFY AND VALIDATE THE ACTION OF THE COUNTY COMMISSIONERS OF NASH COUNTY IN LEVYING CERTAIN TAXES IN NASH COUNTY.

The General Assembly of North Carolina do enact:

Whereas, the County Commissioners of Nash County have heretofore been levying a community tax in "The Castalia Community of Nash County" in pursuance of the provisions of Chapter one hundred and twenty-three of the Consolidated Statutes of North Carolina, which law was repealed by section three hundred and seventy-six, Chapter one hundred and thirty-six of the Public Laws of one thousand nine hundred and twenty-three; and

Preamble:
Levy of
certain com-
munity tax in
Nash County.

Whereas, said board, not being advertent to the repeal of said law, acted in good faith in the levying of said taxes.

SECTION 1. That the action of the County Commissioners of Nash County in levying a community tax in The Castalia Community of Nash County for the years one thousand nine hundred and twenty-three to one thousand nine hundred and thirty,

Levy of
such tax
validated.

both inclusive, be and the same is hereby in all respects approved, ratified and validated.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 13th day of May, A.D., 1931.

CHAPTER 470

AN ACT TO PROVIDE FOR THE APPOINTMENT OF THE TRUSTEES OF THE TROY AND BISCOE SPECIAL CHARTER SCHOOL DISTRICTS BY THE BOARD OF EDUCATION OF MONTGOMERY COUNTY.

The General Assembly of North Carolina do enact:

Appointment of Trustees of Troy and Biscoe Special Charter School Districts by Montgomery County Board of Education.

SECTION 1. That the Board of Education of Montgomery County be and they are hereby authorized and empowered to appoint the trustees for the Troy and Biscoe Special Charter Schools Districts, five trustees for each district, whose terms shall begin on the first day of June, one thousand nine hundred and thirty-one, and be as follows: one for a term of two years, two for a term of four years, two for a term of six years.

Appointment of successors.

At the expiration of the term of office of each of the trustees herein appointed his successor shall be appointed for a term of six years.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 3. That this act shall be in full force and effect from and after its ratification.

Ratified this the 14th day of May, A.D., 1931.

CHAPTER 471

AN ACT TO FURTHER THE ENFORCEMENT OF THE PROVISIONS OF THE NORTH CAROLINA GAME AND FISH LAWS AND THE GAME AND FISH LAWS OF BUNCOMBE AND HENDERSON COUNTIES.

The General Assembly of North Carolina do enact:

Police officers of Buncombe, Henderson and Jackson Counties vested with power to enforce game and fish laws.

SECTION 1. All sheriffs, deputy sheriffs, police officers, forest wardens, park patrolmen, refuge keepers, constables, and all deputy game and fish wardens, duly appointed by the Department of Conservation and Development, receiving no fixed salary, are hereby made ex-officio deputy game and fish wardens, and it shall be their duty to aid in the enforcement of the North Carolina Game and Fish Laws and the Game and Fish Laws of Buncombe and Henderson Counties, if any. In addition to fees to which such ex-officio warden may be entitled

under the general law of this State, said ex-officio warden shall receive the sum of ten dollars in any case involving a violation of said laws, in which he secures the evidence upon which the conviction was obtained, which shall be assessed against the defendant and paid by such defendant as a part of the cost in case of conviction; if no conviction is procured, no fee shall be taxed against the defendant or the county or State.

Allowed fees to be taxed in bills of cost.

SEC. 2. This act shall apply only to Buncombe, Henderson and Jackson Counties.

SEC. 3. All laws or parts of laws in conflict herewith are hereby repealed.

Conflicting laws repealed.

SEC. 4. This act shall take effect upon ratification.

Ratified this the 15th day of May, A.D., 1931.

CHAPTER 472

AN ACT TO REPEAL HOUSE BILL ONE THOUSAND THREE HUNDRED AND EIGHT, ENTITLED "AN ACT TO ESTABLISH GREENVILLE ELECTRIC SERVICE DISTRICT", RATIFIED APRIL TWENTY-NINTH, ONE THOUSAND NINE HUNDRED AND THIRTY-ONE.

The General Assembly of North Carolina do enact:

SECTION 1. That House Bill one thousand three hundred and eight, entitled "An Act to establish Greenville Electric Service District", ratified April twenty-ninth, nineteen hundred and thirty-one, be and the same is hereby repealed.

H. B. No. 1308.
Public-Local
Laws 1931,
repealed,
relative to
Greenville
Electric Service
District.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 15th day of May, A.D., 1931.

CHAPTER 473

AN ACT REGULATING THE OFFICE OF JUSTICES OF THE PEACE AND THE OFFICE OF CONSTABLE OF ASHEVILLE TOWNSHIP, BUNCOMBE COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That section six of House Bill Number Six Hundred Eighty-nine be stricken out and the following section substituted in lieu thereof:

H. B. No. 689.
Public-Local
Laws 1931,
amended,
relative to
bond of
Asheville
Township
deputy
constables.
Amount of
bond.

"That the special deputy constable or constables appointed by the constable of Asheville Township shall execute a bond in a sum of one thousand dollars, said bond to be under the same terms and conditions as the bond now required of the constable of Asheville Township."

SEC. 2. That this act shall be in full force and effect from and after its ratification.

Ratified this the 15th day of May, A.D., 1931.

CHAPTER 474

AN ACT TO PERMIT THE COMMISSIONERS OF LEE COUNTY TO DISPOSE OF THE PROPERTY KNOWN AS THE COUNTY HOME.

The General Assembly of North Carolina do enact:

Sale of Lee County Home authorized.

SECTION 1. In the event the Board of Commissioners of Lee County find it advisable to discontinue the operation of the County House and make other disposition of the poor of the county, the Board of Commissioners are permitted and authorized to sell and dispose of the property known as the County Home on such terms as they may deem best, and apply the proceeds upon the indebtedness of the county for said property, when the same may be so applied; and any surplus shall be turned into the general fund of the county for ordinary expenditure. Such sale, if made, shall be pursuant to an order or resolution of the Board of Commissioners, and the manner in which conveyance shall be made shall also be specified by resolution, and conveyance by the person or persons designated by official designation or otherwise in such resolution shall be sufficient to convey said title to the purchaser.

Application of proceeds.

Conveyance to purchaser.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict herewith are hereby repealed.

SEC. 3. This act shall be in force from and after its ratification.

Ratified this the 16th day of May, A.D., 1931.

CHAPTER 475

AN ACT TO AMEND CHAPTER TWO HUNDRED NINETEEN OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED TWENTY-THREE AMENDING CHAPTER THREE HUNDRED TWENTY-SEVEN OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED THIRTEEN RELATING TO THE CHARTER OF THE TOWN OF HAMLET.

The General Assembly of North Carolina do enact:

Ch. 219, Private Laws 1923, amended.

SECTION 1. That section one of Chapter two hundred and nineteen, Private Laws, one thousand nine hundred and twenty-three, relating to the Town of Hamlet, be and the same is hereby amended by striking out all of lines five, six, seven, and through the word "town" in line eight in said section and inserting in lieu thereof the following:

Elective officers in Hamlet.

"SECTION 3. The elective officers of said town shall consist of a mayor and five commissioners, who shall be elected as

hereinafter specified. The appointive officers of said town shall consist of a chief of police and such other officers as, in the discretion of the governing body of said town, may be necessary for its proper operation, all of whom shall be appointed by and serve at the will of the governing body; and the governing body of said town may elect one person to hold any two or more appointive offices”.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 3. This act shall be in full force from and after its ratification.

Ratified this the 18th day of May, A.D., 1931.

Appointive officers.

One person may hold two or more offices.

Conflicting laws repealed.

CHAPTER 476

AN ACT AMENDING CHAPTER TWENTY-THREE OF THE PUBLIC-LOCAL LAWS OF THE EXTRA SESSION OF ONE THOUSAND NINE HUNDRED AND TWENTY-FOUR RELATING TO THE POLICE LAWS OF CURRITUCK COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. Amend section one of Chapter twenty-three of the Public-Local Laws of one thousand nine hundred and twenty-four by striking out in line six of said section the word “four” and inserting in lieu thereof the word “eight”.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 18th day of May, A.D., 1931.

Ch. 23, Public-Local Laws ex-1924, amended relative to police power of Currituck County.

Conflicting laws repealed.

CHAPTER 477

AN ACT TO REGULATE PUBLIC DRUNKENNESS IN HAYWOOD COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. If any person shall be found drunk or intoxicated on the public highway, or at any public place or meeting in Haywood County, he shall be guilty of a misdemeanor, and shall be fined or imprisoned at the discretion of the court.

SEC. 2. This act shall be in force from and after its ratification.

Ratified this the 18th day of May, A.D., 1931.

Public drunkenness prohibited in Haywood County. Punishment.

CHAPTER 478
AN ACT TO REGULATE FEES OF JUSTICES OF PEACE
OF PAMLICO COUNTY.

The General Assembly of North Carolina do enact:

Fees of Justices
of the Peace in
Pamlico County.

SECTION 1. That fees of Justices of the Peace of Pamlico County in criminal and civil actions and proceedings shall be the same as those fixed in section one, Chapter one hundred and ninety-two, Public-Local Laws of one thousand nine hundred and twenty-seven, now applicable to Justices of the Peace of Craven County.

Conflicting laws
repealed.

SEC. 2. That all laws and clauses of laws in conflict with this act are hereby repealed in so far as same relate to Pamlico County.

SEC. 3. This act shall be in force and effect from and after its ratification.

Ratified this the 21st day of May, A.D., 1931.

CHAPTER 479
AN ACT TO EMPOWER DUPLIN COUNTY TO EXTEND
AND PROTECT ITS COURTHOUSE SQUARE.

The General Assembly of North Carolina do enact:

Duplin County
authorized to en-
large courthouse
square in
Kenansville by
purchase or ex-
change.

SECTION 1. That Duplin County be and it is hereby authorized and empowered to increase and extend the area of its courthouse square in the Town of Kenansville, as its Board of Commissioners may determine, by acquiring title to lands adjoining or near said courthouse square, said lands to be acquired by purchase, or by exchange for lands owned by Duplin County, said exchange to be on such terms as to size, relative value and area of lots so exchanged as said board of commissioners may determine; and the said tract of land owned by Duplin County, and hereby authorized to be exchanged as aforesaid by said Duplin County is bounded and described as follows:

Description of
lands which may
be exchanged.

Beginning at a stake on the southern edge of cross street which runs eastward from the front of the said courthouse square, at north east corner of the old J. D. Southerland store lot, now owned by R. D. and E. J. Dail, on said street, and runs thence along the southern edge of said street south seventy east to its intersection with the western boundary of North Carolina State Highway Number Eleven, thence with the western boundary of said highway in a southerly direction to its intersection with North Carolina State Highway Number Twenty-four, thence with the last mentioned highway in a south-westerly direction as it curves to the southeast corner of A. J. Pickett's stable lot, thence along the eastern line of said lot north twenty east to the beginning, and the said Duplin County is hereby authorized and empowered to convey all or any part of

said tract of land by deed or deeds in fee simple in such size and shape of lots as may be determined, and to such persons as may be agreed upon in exchange for other lands adjoining or near said courthouse square, and all lands so purchased shall become a part of said courthouse square of Duplin County.

SEC. 2. That Duplin County is hereby authorized and empowered to exercise absolute control and authority over its said courthouse square in Town of Kenansville, and any lands purchased to extend the same hereunder, to locate and control such public passways as it may determine, on, over and across the same, and the said courthouse square and any addition thereto as hereafter acquired shall not be subject to the right of eminent domain by said Town of Kenansville for any purpose whatever.

Absolute control given County over square.

SEC. 3. That all laws and clauses of laws in conflict with this act are hereby repealed.

Not subject to eminent domain.

Conflicting laws repealed.

SEC. 4. That this act shall be in force from and after its ratification.

Ratified this the 21st day of May, A.D., 1931.

CHAPTER 480

AN ACT TO AMEND CHAPTER SEVEN HUNDRED EIGHTY-TWO OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED NINE, RELATIVE TO FIXING SALARIES FOR CERTAIN PUBLIC OFFICIALS IN PITT COUNTY, AND THE CREATION OF A BOND SALARY FUND.

The General Assembly of North Carolina do enact:

SECTION 1. That section ten of Chapter seven hundred eighty-two of the Public Laws of one thousand nine hundred and nine be and the same is hereby repealed and the following substituted in lieu thereof:

Ch. 782,
Public Laws
1909, amended.

"SEC. 10. That all moneys paid to the County Treasurer by virtue of this act shall be by him credited to the general county fund of the county, and that from said general fund the salaries of the officers and the costs of the official bonds of said officers shall be paid, and the Board of Commissioners of the County of Pitt are fully authorized, empowered and directed to include in the debt service the amount necessary for creating a sinking fund for the payment of the bridge bonds, and the interest thereon, and the bonds issued and known as the 'East Carolina Teacher's Training School Bonds', and the interest thereon, and to levy a sufficient amount of the payment thereof."

Salary fund set up in Pitt County.
Application of.

Debt service.

SEC. 2. That no part of this act shall be construed as affecting any part or parts of said Chapter seven hundred and

Present salaries unaffected.

eighty-two, Public Laws, one thousand nine hundred and nine, or amendments thereto, fixing the salary or salaries of any officer for Pitt County.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 4. That this act shall be in full force and effect from and after its ratification.

Ratified this the 21st day of May, A.D., 1931.

CHAPTER 481

AN ACT RATIFYING APPROPRIATIONS MADE BY THE COMMISSIONERS OF ROBESON COUNTY FOR THE CURRENT FISCAL YEAR.

The General Assembly of North Carolina do enact:

Current budget estimate approved in Robeson County.

SECTION 1. The action taken by the Board of Commissioners of Robeson County on July seventh, one thousand nine hundred and thirty, in approving the budget estimate for the current fiscal year is hereby ratified and confirmed. The said budget estimate shall be deemed and treated for all purposes as the appropriation resolution adopted pursuant to section eight of the Fiscal Control Act, and the amounts shown by said budget estimate to be necessary to be appropriated for various objects shall be deemed to have been duly appropriated for the said objects respectively.

Also appropriation resolution.

SEC. 2. This act shall be in force and effect from and after its ratification.

Ratified this the 21st day of May, A.D., 1931.

CHAPTER 482

AN ACT TO REPEAL CHAPTER ONE HUNDRED AND SEVENTY-FOUR, PUBLIC-LOCAL LAWS ONE THOUSAND NINE HUNDRED AND TWENTY-FIVE, RELATING TO DISORDERLY CONDUCT IN ROBESON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter one hundred and seventy-four, Public-Local Laws one thousand nine hundred and twenty-five, be and the same is hereby repealed.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 25th day of May, A.D., 1931.

Ch. 174, Public-Local Laws 1925, repealed, as to disorderly conduct in Robeson County.

CHAPTER 483

AN ACT TO PROVIDE FURTHER CLERK HIRE FOR THE CLERK OF THE SUPERIOR COURT OF STOKES COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the Clerk of the Superior Court of Stokes County is hereby authorized to employ or appoint a deputy or assistant clerk at a salary of not exceeding six hundred (\$600.00) dollars per year to be paid from the public funds of Stokes County.

Assistant Clerk
allowed Stokes
County Superior
Court at \$600
per year.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 25th day of May, A.D., 1931.

CHAPTER 484

AN ACT TO VALIDATE SERVICE OF CRAVEN COUNTY SUMMONSES BY THE CONSTABLE OF NUMBER EIGHT TOWNSHIP, CRAVEN COUNTY, NORTH CAROLINA, UNDER PUBLIC-LOCAL LAWS EXTRA SESSION ONE THOUSAND NINE HUNDRED TWENTY-ONE.

Whereas under provisions of Chapter one hundred forty-eight of Public-Local Laws of Extra Session one thousand nine hundred twenty-one, the Constable of Number Eight Township, Craven County, North Carolina, was authorized and empowered to serve all and any writs, processes and summonses issued by any of the Courts of said county; *and whereas*, since said time the said Constable of Number Eight Township, Craven County, North Carolina, has served from time to time summonses issued out of the Superior Court of said county; *and whereas* said summonses so served by said constable in many instances have been addressed only to the Sheriff of Craven County and the service may be held void: *Now, therefore*,

Preamble:
Service of
Superior Court
summonses by
constable in
Craven County.

Service
defective.

The General Assembly of North Carolina do enact:

SECTION 1. That the service of all such summonses heretofore made in the County of Craven, North Carolina, by the Constable of Number Eight Township since the enactment of Chapter one hundred forty-eight of the Public-Local Laws of Extra Session one thousand nine hundred twenty-one whether said summonses were addressed to the Sheriff of Craven County only or to said sheriff or any other lawful officers of said county, be and the same are hereby validated and made to the same effect as if said summonses had actually been addressed to the

Service of such
summonses by
constable
validated.

said Constable of Number Eight Township, Craven County, North Carolina.

Conflicting laws repealed.

SEC. 2. That all law and clauses of laws in conflict herewith are hereby repealed.

SEC. 3. This act to be in force after its ratification.

Ratified this the 27th day of May, A.D., 1931.

CHAPTER 485

AN ACT RELATIVE TO THE NOMINATION AND ELECTION OF THE COUNTY SUPERINTENDENT OF PUBLIC INSTRUCTION FOR IREDELL COUNTY.

The General Assembly of North Carolina do enact:

Nomination of candidates for office of Iredell County Superintendent of Public Instruction.

SECTION 1. That in the year one thousand nine hundred and thirty-two, and biennially thereafter, at the party primaries or conventions, at the same time and in the same manner as that in which other county officers are nominated, there shall be nominated a candidate of each political party for the position of Superintendent of Public Instruction for Iredell County to take the place of the Superintendent of Public Instruction for said county whose term next expires. That the names of the persons so nominated in such primary shall be duly certified by the Chairman of the County Board of Elections within ten days after their nomination is duly declared by said County Board of Elections to the County Board of Education and said County Board of Education shall elect one of the persons so certified as County Superintendent of Public Instruction for said county and said election shall be held at the same time and in the same manner as is now, or may hereafter be, provided by law for the election of County Superintendents of Public Instruction for the various counties of the State.

Certification of nominees.

Election of Superintendent.

Vacancy appointments.

Sec. 2. In case of a vacancy by death, resignation, or otherwise, in the office of County Superintendent of Public Instruction for Iredell County, such vacancy shall be filled by the County Board of Education; but fifteen days notice shall be given by publishing a notice in some newspaper published in Iredell County of the time and place when said vacancy will be filled and the election of a successor to fill such vacancy shall be held between the hours of 9:00 A. M. and 5:00 P. M. at the time and place fixed by said Board for filling such vacancy.

Publication of notice to fill vacancy.

Time of.

General law applicable to office.

SEC. 3. That except as herein changed and modified, all provisions of the general law of this State relating to the duties and obligations of Superintendents of Public Instruction of the various counties of the State, shall apply to the County Superintendent of Public Instruction of Iredell County.

SEC. 4. This act shall apply only to Iredell County and all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Conflicting laws repealed.

SEC. 5. This act shall be in full force and effect from and after its ratification.

Ratified this the 27th day of May, A.D., 1931.

CHAPTER 486

AN ACT WITH REFERENCE TO THE APPOINTMENT AND CLASSIFICATION OF DEPUTIES IN THE OFFICE OF THE CLERK OF THE RECORDER'S COURT OF DURHAM COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. The clerk of the Recorder's Court of Durham County is hereby authorized and empowered to appoint the assistant Clerk of the Recorder's Court of Durham County and the several deputies in said office as now provided by law.

Assistant clerk of Durham County Recorder's Court authorized.

SEC. 2. The clerical assistant now working in said office is hereby authorized and empowered to act as a deputy clerk in the said office of the Clerk of the Recorder's Court of Durham County, in case of an emergency, after taking and subscribing to the proper oath, *provided* there shall be no increase in the salaries now being received by the deputies and assistants in the office of the said Clerk of the Recorder's Court of Durham County.

Clerical assistant made deputy clerk.

Compensation.

SEC. 3. That all laws and clauses of laws in conflict with this act are hereby repealed.

Conflicting laws repealed.

SEC. 4. This act shall be in full force and effect from and after its ratification.

Ratified this the 27th day of May, A.D., 1931.

CHAPTER 487

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF GASTON COUNTY TO GRANT TO THE STATE HIGHWAY COMMISSION THE RIGHT TO THE USE AND ENJOYMENT OF CERTAIN LANDS AND PREMISES BELONGING TO GASTON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of County Commissioners of Gaston County be and they are hereby authorized to grant to the State Highway Commission, upon such terms and conditions as shall be agreed upon between the said State Highway Commission and the Board of County Commissioners of Gaston County, the use and enjoyment, for such period of time as the State Highway Commission shall desire to use the same for the

Gaston County authorized to grant part of County Home Farm to State Highway Commission.

For prison camp
or other purpose.

Description of
lands to be
granted.

maintenance and operation of a prison camp or for any other purpose or purposes in connection with the work of the State Highway Commission in the construction and maintenance of State highways or the roads of the several county road systems, of the following described lands and premises, to wit:

About ten acres of the Gaston County Home tract of land located in Dallas Township, Gaston County, and situate on the public highway leading from the Town of Dallas to the Town of Cherryville, in said county and being that particular portion of said Gaston County Home Tract upon which is situate the present Gaston County Chain Gang Camp, together with sufficient land to aggregate an area of ten acres, more or less, adjacent to said camp, together with the improvements situate thereon.

SEC. 2. This act shall be in force and effect from and after its ratification.

Ratified this the 27th day of May, A.D., 1931.

CHAPTER 488

AN ACT TO REPEAL HOUSE BILL NUMBER THREE HUNDRED FORTY-FIVE, RATIFIED APRIL TWENTY-FIFTH, ONE THOUSAND NINE HUNDRED THIRTY-ONE, ENTITLED "AN ACT TO FIX CERTAIN FEES OF SHERIFF AND OTHER OFFICERS AUTHORIZED TO SERVE PROCESS IN JOHNSTON COUNTY."

The General Assembly of North Carolina do enact:

H. B. No. 345,
Public-Local
Laws 1931, re-
pealed, relating
to fees of
certain Johnston
County officers.

SECTION 1. That House Bill Number Three Hundred and Forty-five, ratified April twenty-five, one thousand nine hundred and thirty-one, entitled "An act to fix certain fees of sheriff and other officers authorized to serve process in Johnston County", be and the same is hereby repealed.

SEC. 2. That this act shall be in full force and effect from and after its ratification.

Ratified this the 27th day of May, A.D., 1931.

CHAPTER 489

AN ACT TO AMEND CHAPTER TWO HUNDRED FIFTY-TWO, PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED TWENTY-FIVE, RELATING TO COMMISSION ALLOWED SHERIFF OF AVERY COUNTY FOR COLLECTING TAXES.

The General Assembly of North Carolina do enact:

Ch. 252, Public-
Local Laws,
1925, amended.

SECTION 1. That Chapter two hundred and fifty-two, Public-Local Laws of one thousand nine hundred and twenty-five, be amended by striking out in line six the words "three per cent

of all taxes collected", and inserting in lieu thereof the words "three per cent on the first fifty thousand dollars (\$50,000.00) and five per cent on the excess thereof of all taxes collected."

SEC. 2. That this act shall be in full force and effect from and after October one, one thousand nine hundred and thirty-one.

Ratified this the 27th day of May, A.D., 1931.

Commission allowed Avery County Sheriff for tax collections. Effective October 1, 1931.

CHAPTER 490

AN ACT TO REPEAL CHAPTER NINETY-ONE, PUBLIC-LOCAL LAWS, ONE THOUSAND NINE HUNDRED AND TWENTY-SEVEN, RELATING TO THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF ASHE.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter ninety-one, Public-Local Laws, one thousand nine hundred and twenty-seven, be and the same is hereby repealed.

Ch. 91, Public-Local Laws, 1927, repealed.

SEC. 2. That this act shall not be construed to affect the present Board of County Commissioners of Ashe County nor the validity of their official acts done and performed prior to the first Monday in December, one thousand nine hundred and thirty-two; but it shall be so construed as to require the election of one member to the Board of County Commissioners for said county, consisting of three members, for a term of two years, at the general election of one thousand nine hundred and thirty-two; two members shall be elected at the general election of one thousand nine hundred and thirty-four, for a term of two years, and three members shall be elected at the general election of one thousand nine hundred and thirty-six for a term of two years, and it shall be so construed as to require the election of a Board of County Commissioners for Ashe County consisting of three members, for a term of two years, at the general election of one thousand nine hundred and thirty-six, and each biennium thereafter.

Official acts of Ashe County Commissioners validated.

Election of Commissioners in relays.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Conflicting laws repealed.

SEC. 4. That this act shall be in full force and effect from and after its ratification.

Ratified this the 27th day of May, A.D., 1931.

CHAPTER 491

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF HARNETT COUNTY TO PLACE THE SHERIFF AND ALL OF HIS DEPUTIES ON A SALARY BASIS.

The General Assembly of North Carolina do enact:

Sheriff and deputies placed on salary basis.

SECTION 1. That the Board of Commissioners of Harnett County be and they are hereby authorized to place the compensation of the Sheriff of said county and each of his deputies on a salary basis solely instead of on salary and commission as now provided by law.

Effective only by resolution of Commissioners.

SEC. 2. That in the event the Board of Commissioners shall place this act in effect they shall provide for the same by a suitable resolution passed at any regular session of said board held on the first Monday of any month, notice of which the sheriff of the county shall have, and the same shall go into effect upon such date as the Board of Commissioners in said resolution may provide, not earlier than the first day of the next succeeding month.

Salary of Sheriff, \$2700.

SEC. 3. The sheriff shall receive as full compensation for his services as sheriff an annual salary of twenty-seven hundred dollars (\$2,700.00) to be paid in equal monthly installments; and the sheriff with the approval of the Board of Commissioners shall appoint not less than four deputy sheriffs, one of whom with the approval of the Board of Commissioners, shall be designated as, and perform the duties of jailor of said county; but nothing shall prevent the jailor performing his duties as deputy sheriff; that in the event the Board of Commissioners refuse to approve the selection of the deputy sheriffs or jailor so made by said sheriff then it shall be the duty of the sheriff to nominate another or others until such approval on the part of the Board of Commissioners shall be had.

Appointment of four deputies.

Designation of one as jailor.

Salary of each deputy, \$1800.

SEC. 4. That each deputy sheriff shall receive an annual salary of eighteen hundred dollars (\$1,800.00) payable in equal monthly installments as full compensation, *provided* the deputy sheriff designated as jailor may receive the additional compensation hereinafter provided for.

Necessary expenses also allowed.

SEC. 5. The salaries herein provided for shall include all services performed by the sheriff, his deputies and jailor within the County of Harnett except the telephone, telegraph and office supplies including postage of the sheriff's office; that when the sheriff or his deputies are traveling on official business out of the County of Harnett they shall receive actual traveling expenses not exceeding five dollars (\$5.00) per day for hotel and cafe expenses; such accounts to be audited and approved by the Board of Commissioners.

Per diem travel expenses of \$5.

SEC. 6. That the sheriff and his deputies shall collect all fees now allowed by law in advance and shall account for and pay the same over to the county accountant, making reports thereof under oath as provided for in Chapter six hundred eighty-four Public-Local Laws one thousand nine hundred fifteen; said sheriff and each of his deputies shall perform all the duties with reference to accounting and the payment of fees to the county, or its accountant and be under the same pains and penalties as provided for in said Act, being Chapter Number Six Hundred Eighty-four Public-Local Laws one thousand nine hundred fifteen, except as modified by this Act.

Collection of all fees by Sheriff and deputies and accounting for same.

Accounting duties.

SEC. 7. The duties of the sheriff and his deputies, in addition to the duties specifically designated by law and in addition to the duties of sheriffs and deputy sheriffs usually performed by virtue of their office, shall include the conveyance of prisoners to and from the jail in said county and the aged and infirm persons to or from the county home when so ordered by the Superintendent of Welfare, and shall convey prisoners to the road camp so long as said road camp is situated in the County of Harnett.

Duty of transporting jail prisoners and aged and infirm to and from county home.

SEC. 8. The deputy sheriff designated as jailor together with the sheriff shall have complete charge of the county jail; and the deputy sheriff so designated as jailor in addition to the salary hereinbefore provided for shall receive such compensation for the board of prisoners and other necessary expenses including medical supplies and clothing as the Board of Commissioners by contract may designate; such contract may or may not in the discretion of the Board of Commissioners provide for the board of the jailor and his family.

One deputy as jailor; duties.

Allowed necessary expenses.

SEC. 9. That the sheriff and each of his deputies subpoenaed as a witness in any criminal cause in the Courts of Harnett County shall prove his attendance, collect his witness fees and mileage and account for the same with the county accountant, except that the said sheriff or his deputies shall not collect any witness fees in criminal causes in which the county shall have been adjudged to pay the same.

Collection of witnesses fees and mileage and accounting for same.

SEC. 10. The Sheriff or the Board of Commissioners may discharge any deputy sheriff at will in which event another or others may be appointed as herein provided.

Removal of Sheriff and deputies.

SEC. 11. The Sheriff and his deputies shall give such official bond as now designated by law; in addition thereto shall give bond payable to the State of North Carolina for the payment of all fees which have come into his hands or in the hands of his deputies by virtue of office to the county accountant and to faithfully account for the same as provided by law; the premium on said bond to be paid by the County of Harnett.

Official bonds.

For accounting for fees.

Conflicting laws repealed.

SEC. 12. All laws and clauses of laws in conflict with this act be and the same are hereby repealed.

SEC. 13. This act shall be in effect from and after its ratification.

Ratified this 27th day of May, A.D. 1931.

CHAPTER 492

AN ACT TO PERMIT FISHING WITH TROT LINES, FOR ALL KINDS OF FISH EXCEPT GAME FISH, IN THE FRENCH BROAD RIVER IN MADISON COUNTY, AFTER HAVING PROCURED A FISHING LICENSE FOR THE SEASON.

The General Assembly of North Carolina do enact:

Residents of Madison County with licenses may fish with trot lines in French Broad River.

SECTION 1. That it shall be lawful for residents of Madison County to fish in the French Broad River during the fishing season, as designated by the Board of Conservation and Development, with trot lines, throw lines; but all persons so fishing shall have first procured a fishing license as is, or may hereafter be, provided by law.

Unlawful to fish with trot lines.

SEC. 2. That it shall be unlawful for any person to take, with trot lines, throw lines or baskets, any game fish from the waters of the French Broad River in Madison County.

SEC. 3. That this act shall be in force and effect from and after its ratification and shall apply to Madison County only.

Ratified this the 27th day of May, A.D. 1931.

CHAPTER 493

AN ACT AUTHORIZING THE BOARD OF COUNTY COMMISSIONERS OF LENOIR COUNTY IN THEIR DISCRETION, TO PRO RATE SECURITIES HELD BY IT SO AS TO INCLUDE IN SUCH SECURED AMOUNTS, NOT EXCEEDING TWO THOUSAND DOLLARS, HELD BY THE CLERK OF THE SUPERIOR COURT OF LENOIR COUNTY AS SUCH CLERK AND RECEIVER.

The General Assembly of North Carolina do enact:

Lenoir County Commissioners authorized to pro rate securities held so as to include amount held by Clerk of Court.

SECTION 1. That the Board of County Commissioners of Lenoir County are hereby authorized, in their discretion, to include as protected by securities held by the county of Lenoir under a written contract from any bank in Lenoir County, the sum of not exceeding two thousand dollars held by the Clerk

of Superior Court of Lenoir County, as such Clerk and Receiver and placed on deposit in Lenoir County banks; *Provided, however*, that the inclusion of such money so held by the said Clerk and receiver as secured under the written contract between the county and any bank shall not adversely affect the interests of said bank or the receiver or liquidating agent of such bank.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 3. That this act shall be in full force and effect from and after its ratification.

Ratified this the 27th day of May, A.D. 1931.

Interests of bank to be protected.

Conflicting laws repealed.

CHAPTER 494

AN ACT TO PERMIT THE SHERIFF OF WAKE COUNTY TO APPOINT A SPECIAL DEPUTY AT LAKE MYRA IN MARK'S CREEK TOWNSHIP.

The General Assembly of North Carolina do enact:

SECTION 1. That section one (1) of Chapter two hundred and seventy (270) Public-Local Laws one thousand nine hundred and twenty-nine (1929) be and the same is hereby amended by adding at the end thereof the following:

"The Sheriff of Wake County is hereby authorized and empowered to appoint one or more special deputies at Lake Myra in Mark's Creek Township without compensation from the county."

SEC. 2. Said special deputies shall have all the authority of police officers in incorporated towns in the enforcement of good order and keeping of the peace and the execution of any and all criminal laws upon the premises of said Lake Myra. If he should arrest any offender without warrant, he shall take him immediately before some Justice of the Peace of the Township that the matter may be inquired of. In the execution of all such criminal process, he shall be entitled to the same fees as the Sheriff of the County is entitled in the execution of similar papers, said fees to be taxed in the Bill of Costs by any court having final jurisdiction of the criminal process. His authority as such police officer, except in immediate pursuit of the offender, shall be confined to Lake Myra and one mile immediately about said Lake Myra.

SEC. 3. This act shall be in full force and effect from and after its ratification.

Ratified this the 27th day of May, A.D. 1931.

Ch. 270, Public-Local Laws, 1929, amended.

Appointment of deputy sheriff at Lake Myra, Wake County.

Power and authority.

Arresting law violators.

Entitled to fees collected from civil and criminal processes.

Jurisdiction.

CHAPTER 495

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF WILSON COUNTY TO LEVY A SPECIAL TAX FOR THE PURPOSE OF SECURING, CARING FOR AND WORKING COUNTY PRISONERS.

The General Assembly of North Carolina do enact:

Wilson County authorized to levy special tax of 2c for maintenance and working of prisoners.

SECTION 1. That the Board of Commissioners of Wilson County, for the purpose of securing, caring for, supervising and working such prisoners or convicts as are or may be under the control and supervision of said Board of Commissioners, are hereby authorized to levy an annual tax of not to exceed two cents on the one hundred dollars of valuation of all taxable property in said county in addition to any tax now authorized to be levied in said county.

SEC. 2. This act shall be in force and effect from and after its ratification.

Ratified this the 27th day of May, A.D. 1931.

CHAPTER 496

AN ACT TO PROVIDE FOR PAYMENT BY THE BOARD OF COUNTY COMMISSIONERS OF ROWAN COUNTY TO THE TOWNS OF ROCKWELL AND GRANITE QUARRY, NORTH CAROLINA, CERTAIN SUMS OF MONEY ADVANCED IN THE CONSTRUCTION OF STATE HIGHWAY NUMBER EIGHTY.

The General Assembly of North Carolina do enact:

Rowan County authorized to refund to Rockwell, Granite Quarry and Salisbury money expended by municipalities in construction of Highway No. 80.

SECTION 1. That the Board of County Commissioners of Rowan County be, and it is hereby authorized, in its discretion, to pay to the town of Rockwell, Rowan County, North Carolina, out of any money due the county by the State Highway Commission on April first, one thousand nine hundred thirty-one, a sum not in excess of eighteen thousand dollars (\$18,000.00) for money expended by the town of Rockwell in the construction of State Highway Number Eighty going through said town; and the said Board of County Commissioners are likewise authorized, in its discretion under the same conditions, to pay to the town of Granite Quarry, North Carolina, a sum not in excess of seven hundred dollars (\$700.00) for money expended in the construction of State Highway Number Eighty; and the said Board of County Commissioners are likewise authorized, in its discretion, to pay to the city of Salisbury, North Carolina, a sum not in excess of six thousand eight hundred and thirty-four dollars and seventy-five cents (\$6,834.75) for money expended by said city in the construction of State Highway Number Eighty.

May be allocated from debt of State Highway Commission to County.

SEC. 2. No payment shall be made under the provisions of this act from any funds allocated to Rowan County by the State Highway Commission for the construction of Highway Number One Hundred Fifty from Salisbury to Mooresville, nor shall the payment herein provided for interfere in any manner with the construction and payment therefor of said Highway Number one Hundred Fifty.

Highway No. 150
unaffected.

SEC. 3. The provisions of this act are not intended to create or establish any indebtedness against Rowan County, but simply to authorize Rowan County, in its discretion, to pay said funds out of any amount owing Rowan County by the State Highway Commission on April first, one thousand nine hundred thirty-one.

Act creates no
debt against
County.

SEC. 4. This act shall be in full force and effect from and after its ratification.

Ratified this the 27th day of May, A.D., 1931.

CHAPTER 497

AN ACT TO AMEND CHAPTER THREE HUNDRED TWENTY-TWO PUBLIC-LOCAL LAWS ONE THOUSAND NINE HUNDRED TWENTY-NINE, RELATING TO THE FINANCES OF DUPLIN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter Three Hundred Twenty-Two of the Public-Local Laws of One Thousand Nine Hundred Twenty-Nine be and the same is hereby amended by adding a new section after Section One to be known as Section One and one-half (1½) to read as follows:

Ch. 322, Public-
Local Laws,
1929, amended.

"That the funds heretofore transferred under the provisions of Section One may in the discretion of the Board of Commissioners of Duplin County be placed in a revolving fund to be used for any purposes designated by said Board of Commissioners."

Revolving fund
created for
Duplin County.

SEC. 2. That all laws and clauses of laws in conflict with this act are hereby repealed.

Conflicting
laws repealed.

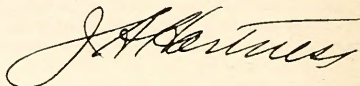
SEC. 3. That this act shall be in full force and effect from and after its ratification.

Ratified this the 27th day of May, A.D., 1931.

STATE OF NORTH CAROLINA,
OFFICE OF SECRETARY OF STATE.

RALEIGH, May 28, 1931.

I, J. A. Hartness, Secretary of State of the State of North Carolina, hereby certify that the foregoing (manuscript) are true copies of the original acts on file in this office.

A handwritten signature in cursive script, reading "J. A. Hartness". The signature is written in dark ink and is positioned above the typed name.

Secretary of State.

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STATE OF NORTH CAROLINA

PRIVATE LAWS

ENACTED BY THE

GENERAL ASSEMBLY

AT ITS

SESSION OF 1931

BEGUN AND HELD IN THE CITY OF RALEIGH

ON

WEDNESDAY, THE SEVENTH DAY OF JANUARY, 1931

PUBLISHED BY AUTHORITY

RALEIGH, N. C.
1931

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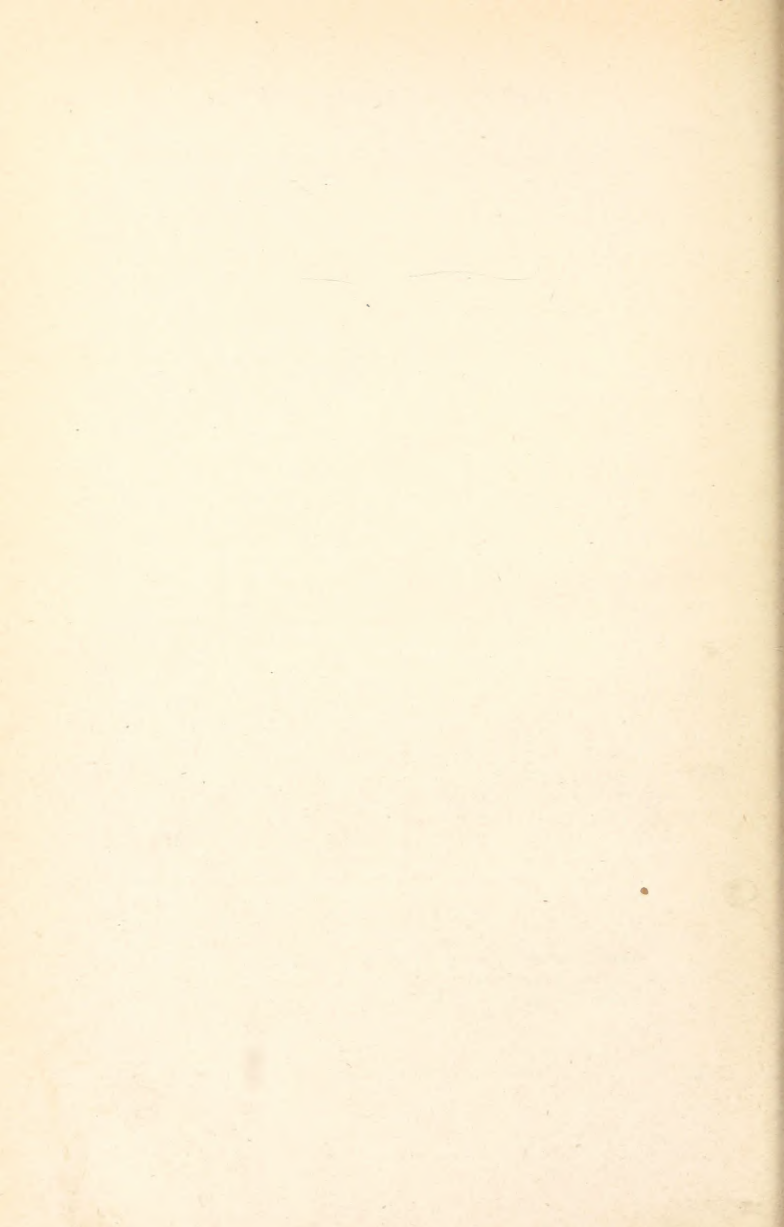
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PRIVATE LAWS
OF THE
STATE OF NORTH CAROLINA

SESSION 1931

CHAPTER 1

AN ACT REGULATING THE COMPENSATION OF COTTON WEIGHER FOR MONROE, UNION COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That the Cotton Weigher for Monroe, Union County, North Carolina, shall only receive eight cents per bale as compensation for the weighing of cotton by him as public weigher.

Compensation of Monroe cotton weigher.

SEC. 2. That cotton buyers who buy cotton on the cotton market of Monroe, Union County, North Carolina, shall pay one-half of the eight cents to the Cotton Weigher and the seller shall pay one-half of the eight cents per bale to the Cotton Weigher of Monroe, Union County, North Carolina.

Buyer and seller to pay one-half each.

SEC. 3. That all laws and clauses of law in conflict with this act are hereby repealed.

Conflicting laws repealed.

SEC. 4. That this act shall be in full force from and after its ratification.

Ratified this the 20th day of January, A.D., 1931.

CHAPTER 2

AN ACT REGARDING THE ELECTION OF COTTON WEIGHER FOR MONROE, UNION COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That all electors residing in Lanes Creek Township, Union County, North Carolina, shall have the right to vote in the Primary and General Election for the nomination and election for Cotton Weigher for Monroe, North Carolina.

Election of cotton weigher for Monroe.

Electors qualified to vote.

SEC. 2. That all electors residing within the boundary formerly for the election of Cotton Weigher for the town of Wingate, Union County, North Carolina, shall be transferred and allowed to vote in the Primary and General Election for Cotton Weigher for Monroe, Union County, North Carolina.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict herewith are repealed.

SEC. 4. That this act shall be in full force from and after its ratification.

Ratified this the 20th day of January, A.D., 1931.

CHAPTER 3

AN ACT TO AMEND CHAPTER ONE HUNDRED AND NINETY-ONE, PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-SEVEN, FOR THE RELIEF OF CERTAIN CITIZENS OF THE INCORPORATED TOWN OF BENTON HEIGHTS, UNION COUNTY.

The General Assembly of North Carolina do enact:

Ch. 191, Private Laws 1927, amended, relating to refunds on highway paving in Benton Heights.

SECTION 1. That chapter one hundred and ninety-one, Private Laws of one thousand nine hundred and twenty-seven, be amended by adding at the end of section one thereof the following: "Provided, that where transfer of any said abutting property was made since the paving of said highway, the person or persons who owned the abutting property at the time of the passage of this act, bought by private purchase, shall receive the amount paid by the State for the paving in front of said property."

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 3. That this act shall be in force and effect from and after its ratification.

Ratified this the 30th day of January, A.D., 1931.

CHAPTER 4

AN ACT TO REPEAL CHAPTER EIGHTY-SEVEN, PRIVATE LAWS, ONE THOUSAND NINE HUNDRED AND TWENTY-SEVEN, AND TO PROVIDE FOR THE ELECTION OF A MAYOR AND FOUR ALDERMEN FOR THE TOWN OF EAST SPENCER.

The General Assembly of North Carolina do enact:

Ch. 87, Private Laws 1927, repealed.

SECTION 1. That chapter eighty-seven, Private Laws, one thousand nine hundred and twenty-seven, be and the same is hereby repealed.

SEC. 2. That section three, chapter seventy-four, Private Laws, one thousand nine hundred and one, be and the same is hereby re-enacted so as to provide for the election of a mayor and four aldermen, instead of eight, for the town of East Spencer.

Ch. 74, Private Laws 1901, amended, reducing aldermen to four.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Conflicting laws repealed.

SEC. 4. That this act shall be in full force and effect from and after the next biennial election for officers of the town of East Spencer.

Act effective next biennial election.

Ratified this the 5th day of February, A.D., 1931.

CHAPTER 5

AN ACT TO AMEND CHAPTER FOUR HUNDRED THIRTY-FIVE OF THE PRIVATE LAWS OF NORTH CAROLINA OF ONE THOUSAND NINE HUNDRED THIRTEEN, AND CHAPTER TWO HUNDRED THREE OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED TWENTY-ONE, PERTAINING TO THE CHARTER OF THE TOWN OF BEAUFORT.

The General Assembly of North Carolina do enact:

SECTION 1. That sub-section two of Section fifty-three of Chapter four hundred and thirty-five of the Private Laws of North Carolina of nineteen hundred and thirteen be and the same is hereby amended by striking out the word "June" in lines one and three of said sub-section twenty-one and inserting in lieu thereof the word "July."

Ch. 435, Private Laws 1913, amended, regarding Beaufort Town Charter.

SEC. 2. That section one of Chapter two hundred and three of the Private Laws of North Carolina, one thousand nine hundred and twenty-one, be and the same is hereby amended by striking out all of said section from the first word "That" in line five of said section to and including the word "services" in line thirteen of said section, and substituting in lieu thereof the following:

Ch. 203, Private Laws 1921, likewise amended.

"That the commissioners shall form one body, and a majority of them shall constitute a quorum and be competent to perform all the duties prescribed for the commissioners, unless otherwise provided. On the first Monday in July after their election they shall convene for the transaction of business and organize and shall meet on the first Monday in every calendar month thereafter, at such hour as the commissioners may name for such meeting, and they shall be allowed the sum of five dollars per day for their said services."

Duties of newly elected commissioners.

Regular meetings.

Compensation \$5 per day.

Ch. 203, Private Laws 1921, again amended.

SEC. 3. That section three of Chapter two hundred and three of the Private Laws of one thousand nine hundred and twenty-one be further amended by striking out the words "twenty-one" in line two of said section and inserting in lieu thereof the words "thirty-one."

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 5. That this act shall be in force and effect from and after its ratification.

Ratified this the 5th day of February, A.D., 1931.

CHAPTER 6

AN ACT TO AMEND SECTION ONE OF CHAPTER ONE HUNDRED EIGHTY-NINE, PRIVATE LAWS, ONE THOUSAND NINE HUNDRED AND TWENTY-FIVE RELATING TO THE CRIMINAL JURISDICTION OF THE MAYOR OF FARMVILLE.

The General Assembly of North Carolina do enact:

Ch. 189, Private Laws 1925, amended, extending jurisdiction of Mayor's Court of Farmville.

SECTION 1. That section one of chapter one hundred eighty-nine of the Private Laws of one thousand nine hundred and twenty five, be and the same is hereby amended by striking out the period at the end of said section and adding the following: "and within one mile of the corporate limits of said town of Farmville."

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 3. That this act shall be in full force and effect from and after its ratification.

Ratified this the 5th day of February, A.D., 1931.

CHAPTER 7

AN ACT TO EXTEND THE POWERS AND JURISDICTION OF POLICEMEN OF THE TOWNS OF BENTON HEIGHTS AND WEST MONROE IN UNION COUNTY.

The General Assembly of North Carolina do enact:

Powers and jurisdiction of Benton Heights police extended.

SECTION 1. That the powers and jurisdiction of the policemen of the town of Benton Heights in Union County, North Carolina, be and the same are hereby extended for a distance of one mile from the corporate limits of said town on the west, north and east lines of the corporate limits of said town of Benton Heights.

Powers and jurisdiction of West Monroe police extended.

SEC. 2. That the powers and jurisdiction of the policemen of the town of West Monroe in Union County, North Carolina, be and the same are hereby extended for a distance of one mile

from the corporate limits of said town on the south, west and north line of the corporate limits of said town of West Monroe.

SEC. 3. That the policemen of the said towns of Benton Heights and West Monroe, Union County, North Carolina, shall have full power and authority to patrol all the above territory for one mile outside of the corporate limits of said towns of Benton Heights and West Monroe respectively, and to make all arrests for the violation of the criminal laws of the State of North Carolina therein and to execute all criminal processes delivered to them and make due returns thereof to the court from which same were issued.

Increased authority of patrol, arrest and service of process.

SEC. 4. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Conflicting laws repealed.

SEC. 5. That this act shall be in full force and effect from and after its ratification.

Ratified this the 10th day of February, A. D. 1931.

CHAPTER 8

AN ACT TO AMEND CHAPTER NINETY-SIX OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTEEN OF NORTH CAROLINA, RELATING TO THE CHARTER OF THE CITY OF GASTONIA, CREATING AND ESTABLISHING A MUNICIPAL COURT FOR THE CITY OF GASTONIA IN THE COUNTY OF GASTON AND TO PRESCRIBE THE JURISDICTION AND PROCEEDINGS OF THE SAID COURT.

The General Assembly of North Carolina do enact:

SECTION 1. That Section six of an Act entitled "An Act to amend the Charter of the Town of Gastonia, and to create and establish a Municipal Court for the City of Gastonia in Gaston County, and to prescribe the jurisdiction and proceedings of said Court", ratified February twenty-second, one thousand nine hundred and thirteen, and known as Chapter ninety-six, "Private Laws of one thousand nine hundred and thirteen", be and the same is hereby amended by striking the same out and inserting in lieu thereof, the following: "Section 6. Said Court shall have final, exclusive, original jurisdiction of all misdemeanors occurring or committed within the corporate limits of the City of Gastonia and within the boundaries of Gastonia Township, as follows:

Ch. 96, Private Laws 1913, amended as to Gastonia Municipal Court.

Carrying concealed weapons; gaming; keeping gambling houses; keeping disorderly or bawdy houses; larceny, or receiving stolen goods, knowing them to be stolen, wherein the value of the article or articles stolen do not exceed \$20.00; failure to list taxes; simple assault; assault and battery with a deadly

Jurisdiction extended to township boundaries.

Jurisdiction of certain misdemeanors enumerated.

weapon, or when serious damage is done; assault upon a female; fornication and adultery; abandonment and non-support; cruelty to animals; resisting officers or resisting arrest; breaking jail or escape from prison; malicious injury to real or personal property; trespassing on lands after being forbidden; forcible trespass; temporary use of vehicles; enticing servants to leave masters; prostitution; indecent exposure of person; retailing spirituous liquors without a license; selling or giving away spirituous liquors to a minor; all violations of the motor vehicle laws and regulations now in force in the State of North Carolina, which constitute a misdemeanor, as defined in the law relating to the same, and any and all amendments and acts amendatory thereof; driving while under the influence of intoxicating liquor or narcotic drinks; all violations of the Prohibition Law now in force in the State of North Carolina, which constitute a misdemeanor, as defined in the law relating to the same, and any and all amendments and acts amendatory thereof; reckless driving; the selling or giving away cigarettes to a minor; obtaining advancements by false pretense; bastardy; disposing of mortgaged property; and all other crimes against the public health, as contained in the revisal of one thousand nine hundred and five of North Carolina, inclusive of all misdemeanors, as contained in Chapter eighty-one of the revisal of one thousand nine hundred and five of North Carolina, and acts amendatory thereof, where the punishment does not exceed a fine of \$200.00 and imprisonment for one year; and all other crimes which, under the common law, are misdemeanors wherein the punishment is in the discretion of the Court. All of the foregoing offenses are hereby declared to be petty misdemeanors. Said Municipal Court shall also have final and exclusive, original jurisdiction in the territory included in the City of Gastonia, or within the bounds of Gastonia Township, as to criminal matters and proceedings arising under the laws of the State or ordinances of the City of Gastonia, wherein the Mayor or Justices of the Peace now or shall hereafter have jurisdiction."

Crimes enumerated declared petty misdemeanors.

Law again amended.

Other amendments.

SEC. 2. That Chapter ninety-six of the Private Laws of one thousand nine hundred and thirteen, be and the same is hereby amended as follows: By inserting after the word "Gastonia" and before the word "wherein" in line five in Section seven, the following words: "or within Gastonia Township"; and by adding in line two, Section ten, after the word "city" and before the word "in", the following words "or other salaried officer"; and by adding in line five, Section ten, after the word "city" and before the word "except" the following words "or other salaried officer"; and by striking out the words "one mile of the corporate" in line four of Section fourteen, and the word

"limits" in line five, Section fourteen, and by inserting in lieu thereof the following words "or Gastonia Township"; and by adding the words "and fifty cents" after the word "dollar" and before the word "for" in line six, Section eighteen; and by striking out the words "one dollar and fifty cents" in line nine of Section eighteen and by inserting in lieu thereof, the following words "two dollars"; and by striking out of lines twenty-one and twenty-two, Section nineteen, the words "six hundred" and inserting in lieu thereof, the words "fifteen hundred"; and by striking out of line fifteen, Section twenty, the words "eight hundred"; and inserting in lieu thereof the words "three thousand"; and by striking out of line ten, Section four, the words "one thousand" and inserting in lieu thereof the words "three thousand"; and by adding the words "and in Gastonia Township" after the word "Gastonia" and before the word "in" in line two, Section thirty-one; and by adding after the word "thereof" in line five, Section thirty-one, the following words "the police officers of the City of Gastonia shall have the same power and authority to make arrest for the violation of the criminal law and to serve all process issuing from said Court within Gastonia Township that they now have in the City of Gastonia"; and by adding the words "desk sergeant" after the word "Judge" and before the word "for" in line two of Section eight.

Salaries of officials.

Extension of police jurisdiction to township boundaries.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed, and in the event that this Act, or any part thereof, for any reason shall be declared unconstitutional by any court of competent jurisdiction, the same shall not affect or repeal the Act or Acts now existing for the establishment of a Municipal Court in the City of Gastonia, North Carolina.

Conflicting laws repealed.

SEC. 4. That this Act shall be in force from and after its ratification.

Ratified this the 10th day of February, A. D. 1931.

CHAPTER 9

AN ACT RELATIVE TO THE COLLECTION OF STREET ASSESSMENTS IN THE TOWN OF BESSEMER CITY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Commissioners of the Town of Bessemer City, North Carolina, are hereby authorized, empowered and directed to collect each and every matured installment, plus all accrued interest, of the street assessments heretofore levied by the governing body of said town against any property in the said town of Bessemer City for the pavement or other improvement of streets or sidewalks.

Bessemer City Commissioners directed to collect street and sidewalk assessments.

Not barred till
December 31,
1940.

SEC. 2. That none of the installments of said street assessments, whether matured or unmatured, including the interest on the same, shall, for any reason whatsoever become barred from collection before the thirty-first day of December, nineteen hundred and forty.

Conflicting laws
repealed.

SEC. 3. That all laws and clauses of laws in conflict herewith are hereby repealed.

SEC. 4. That this act shall be in force and effect from and after its ratification.

Ratified this the 14th day of February, A. D. 1931.

CHAPTER 10

AN ACT TO CREATE A COMMISSIONER OF THE WILLOW DALE CEMETERY FUND FOR THE CITY OF GOLDSBORO, N. C.

The General Assembly of North Carolina do enact:

Appointment of
Commissioner of
Willow Dale
Cemetery Fund,
Goldsboro.

SECTION 1. That the Board of Aldermen of the City of Goldsboro, shall, at its first meeting in May, nineteen hundred thirty-one, after the regular municipal election and every four years thereafter appoint some suitable person to be styled and to be known as "Commissioner of Willow Dale Cemetery Fund", who shall hold his office for a period of four years from the date of his appointment and until his successor is appointed and qualified. Such Commissioner shall give such bond as may be prescribed by the Board of Aldermen of the City of Goldsboro.

Term of office.

Bond.

Acceptance of
money, the in-
come of which
will pay for up-
keep of lots.

SEC. 2. That any person owning a lot in Willow Dale Cemetery, Goldsboro, N. C., may deliver to the Commissioner of Willow Dale Cemetery Fund a sum of money, a fair and continuous income from which, will, in the opinion of the Board of Aldermen of the City of Goldsboro, reasonably and perpetually maintain the lot so owned by such person and it shall be the duty of the Commissioner of Willow Dale Cemetery Fund to accept every such sum of money and thereupon invest the same in bonds of the United States of America and/or of the State of North Carolina, and the name of every such person who delivers a sum of money to said Commissioner of Willow Dale Cemetery Fund shall be immediately given to the Treasurer of Willow Dale Cemetery and the income from every such sum shall be paid over to the Treasurer of Willow Dale Cemetery by the Commissioner of Willow Dale Cemetery Fund quarterly or as soon as such income is received by such Commissioner.

Investment of
money in govern-
ment bonds.

Use of income.

Duty of Superin-
tendent to clean
and maintain lots.

SEC. 3. That the Treasurer of Willow Dale Cemetery shall furnish to the Superintendent of said Cemetery the name of every person who has delivered such sum of money for such

purpose to said Commissioner as soon as the name of such person has been given to said Treasurer by said Commissioner and thereupon it shall be the duty of said Superintendent to reasonably and perpetually clean and maintain the Cemetery lot of every such person.

SEC. 4. The words "clean" and "maintain" as herein used, mean and refer to the ground surface of the lot, the grass, bushes, shrubbery and trees thereon and does not apply or refer to any kind or class of improvement on such lot.

"Clean" and
"maintain"
defined.

SEC. 5. That all laws, clauses or parts of laws, in conflict with this Act are hereby repealed.

Conflicting laws
repealed.

SEC. 6. That this Act shall be in force and effect from and after its ratification.

Ratified this the 16th day of February, A. D. 1931.

CHAPTER 11

AN ACT TO REPEAL CHAPTER NUMBER FORTY OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-ONE, ENTITLED "AN ACT TO INCORPORATE THE FIRST BAPTIST CHURCH OF LINCOLNTON, NORTH CAROLINA, LINCOLN COUNTY."

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter (40) forty of the Private Laws of nineteen hundred twenty-one, be and the same is hereby repealed.

Ch. 40, Private
Laws 1921, re-
pealed, incorpor-
ating First Bap-
tist Church of
Lincolnton.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 16th day of February, A. D. 1931.

CHAPTER 12

AN ACT TO AUTHORIZE AND EMPOWER THE BOARD OF TRUSTEES OF THE GREENVILLE GRADED SCHOOL DISTRICT TO CONVEY A CERTAIN LOT OF LAND TO THE TOWN OF GREENVILLE, PITT COUNTY.

Whereas, the board of trustees of the Greenville Graded School District are now in possession of, and have title to, a certain lot of land situated on the west side of Evans Street in the town of Greenville and known as the Academy property, and upon which the Sheppard Memorial Library now stands; and

Preamble, owner-
ship of Academy
property by
Greenville
Graded School
District.

Site of Sheppard
Memorial Library.

Whereas, through the munificence of Mr. Harper D. Sheppard a modern library building has been erected upon said lot and donated as a free library for the use of the people of Greenville and Pitt County; and

Maintenance by
town desirable.

Whereas, the maintenance of said library will be of great educational value, and it is to the best interest of the people of Greenville and Pitt County that said property shall be conveyed to the town of Greenville, which said town has agreed to maintain and support the said library for the use and benefit of the people of Greenville and Pitt County, *now therefore*

The General Assembly of North Carolina do enact:

Trustees of Dis-
trict empowered
to convey prop-
erty to town of
Greenville.

SECTION 1. That the trustees of the Greenville Graded School District be, and they are hereby authorized and empowered to convey to the town of Greenville, by good and sufficient deed in fee simple, the said lot, tract, piece or parcel of land, the same being known as the Academy property, upon which lot the Sheppard Memorial Library now stands, and being situated on the west side of Evans Street in the town of Greenville, Pitt County.

Maintenance of
Library by town
authorized.

SEC. 2. That upon the execution and delivery of deed for said property as aforesaid, full title in fee simple shall pass to and vest in the town of Greenville, and thereupon, the appropriate authorities of said town are authorized and empowered to maintain and support the said free public library, known as the Sheppard Memorial Library, for the use and benefit of the people of Greenville and Pitt County.

SEC. 3. This act shall be in force and effect from and after its ratification.

Ratified this the 19th day of February, A. D. 1931.

CHAPTER 13

AN ACT "TO REPEAL THE ACT CREATING THE ANDREWS POWER AND LIGHT COMMISSION FOR THE TOWN OF ANDREWS, NORTH CAROLINA", SAID ACT BEING CHAPTER NUMBER TWO HUNDRED FOURTEEN OF THE PUBLIC-LOCAL LAWS OF NORTH CAROLINA OF THE SESSION OF ONE THOUSAND NINE HUNDRED TWENTY-SEVEN OF THE GENERAL ASSEMBLY.

The General Assembly of North Carolina do enact:

Ch. 214, Public-
Local Laws 1927,
repealed, abolish-
ing Andrews
Power and Light
Commission.

SECTION 1. That Chapter number two hundred fourteen of the Public-Local Laws of North Carolina, which was enacted at the session of the General Assembly of one thousand nine hundred twenty-seven said act being entitled: "An act to

create the Andrews Power and Light Commission for the Town of Andrews, Cherokee County, North Carolina, and to authorize and define their duties" be and the same is hereby repealed.

SEC. 2. That all powers, duties and functions which were given by said act which is Chapter number two hundred fourteen of the Public-Local laws of North Carolina of the one thousand nine hundred twenty-seven General Assembly shall after the ratification of this act devolve upon and be performed by the Mayor and Board of Aldermen of the Town of Andrews, N. C.

Duties devolve upon Mayor and Aldermen.

SEC. 3. That all laws and clauses of laws in conflict with this act are hereby repealed.

Conflicting laws repealed.

SEC. 4. That this act shall be in force and effect from and after its ratification.

Ratified this the 19th day of February, A. D. 1931.

CHAPTER 14

AN ACT TO AMEND SECTION TEN, CHAPTER TWO HUNDRED TWENTY-FIVE OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED THIRTEEN, RELATING TO THE KINGS MOUNTAIN GRADED SCHOOL DISTRICT.

The General Assembly of North Carolina do enact.

SECTION 1. That section ten, chapter two hundred and twenty-five of the Private Laws of North Carolina, one thousand nine hundred and thirteen, be repealed and the following enacted instead:

Ch. 225, Private Laws 1913, amended.

"SEC. 10. That the Board of Trustees of the Kings Mountain Graded School District shall be composed of five members and that the three members composing the Board at the present time shall serve until the expiration of their term of office, which will be in May, one thousand nine hundred and thirty-one, in May, one thousand nine hundred and thirty-three and in May, one thousand nine hundred and thirty-five, only one going out in each of said years; that the present Board of Trustees shall appoint two additional members to serve on the Board until the regular municipal election in the town of Kings Mountain in May, one thousand nine hundred and thirty-one, when there shall be elected three members, one of whom shall serve for a term of two years, one for a term of four years and one for a term of six years and at said election each member voted for shall be elected for a term that shall be designated on the ballot cast for him, whether for the two, four or six-year term and that at each biennial municipal election thereafter two members shall be elected for a six-year term except every sixth

Trustees of Kings Mountain Graded School District increased to five.

Appointment of additional Trustees to serve till next election.

Terms of office.

Vacancy appoint- ments.	year when only one member shall be elected for a six-year term. Any vacancies in such Board of Trustees shall be filled by appointment by the remaining members of such Board until the next regular municipal election when a member shall be elected to fill the unexpired term. And the Board of Trustees so elected shall have the powers and be charged with the duties now provided for by the law relating to the Kings Mountain Graded School District. The said Board of Trustees shall appoint a Treasurer to handle all moneys belonging to the Kings Mountain Graded School District and it shall be the duty of the Treasurer for the town of Kings Mountain to turn over to said Treasurer at the end of each month all money in the hands of said Town Treasurer belonging to said School District; that the Treasurer for said School Board shall be required to give a bond in some surety company approved by said Board of Trustees in a sum not less than five thousand dollars for the protection of said School District."
Powers and duties.	
Appointment of Treasurer. Duties of Treasurer.	
Bond of \$5,000.	
Conflicting laws repealed.	SEC. 2. That all laws and clauses of laws in conflict with this act are hereby repealed. SEC. 3. That this act shall be in full force and effect from and after its ratification. Ratified this the 19th day of February, A. D. 1931.

CHAPTER 15

AN ACT TO APPOINT A MEMBER OF THE BOARD OF WATER COMMISSIONERS OF THE CITY OF HENDERSONVILLE.

The General Assembly of North Carolina do enact:

William Reddin Kirk appointed member of Board of Hendersonville Water Commis- sioners.	SECTION 1. That pursuant to provisions contained in chapter one hundred and thirteen, pages one hundred and fifty to one hundred and fifty-nine of the Public-Local and Private Laws, entitled "AN ACT TO AMEND THE CHARTER OF THE CITY OF HENDERSONVILLE", ratified December nineteenth, one thousand nine hundred and twenty-one, William Reddin Kirk be and he is hereby re-elected and appointed a member of the Board of Water Commissioners of the City of Hendersonville for a term of six years. His term of office shall begin at the expiration of his present term to which he was elected by remaining board members upon resignation of K. G. Morris, former member, all as provided in the above-mentioned act.
Term of office.	
Conflicting laws repealed.	SEC. 2. That all laws and parts of laws conflicting with the provisions of this act be and the same are hereby repealed. SEC. 3. That this act shall be in full force and effect from and after its ratification. Ratified this the 20th day of February, A. D. 1931.

CHAPTER 16

AN ACT TO AMEND CHAPTER ONE HUNDRED AND SEVENTY-THREE, SECTION ONE, PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND SEVENTEEN, EXTENDING THE CORPORATE LIMITS OF THE TOWN OF FARMVILLE, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter one hundred and seventy-three, Section one, of the Private Laws of one thousand nine hundred and seventeen, be and the same is hereby amended to read as follows: "That the corporate limits of the Town of Farmville, until otherwise ordered, shall be as follows:

Ch. 173, Private
Laws 1917,
amended, extend-
ing Farmville
corporate limits.

"Beginning at a stake in the easterly right-of-way line of the Snow Hill branch of the Norfolk and Southern Railway, where said line is intersected by the southern boundary line of the said Town of Farmville, which line divides the R. L. Davis and Whitehurst lands, said beginning stake being the southeast corner of the Town of Farmville; thence north forty-one degrees forty minutes east along the said right-of-way line of the said Snow Hill branch of the Norfolk and Southern Railway one thousand two hundred feet to a staked corner located about sixty feet south of the section house of the said Norfolk and Southern Railway; thence north seventy-two degrees nineteen minutes south seven hundred and ninety-one and five-tenths feet to a staked corner in the southerly right-of-way line of the said Norfolk and Southern Railway Company's main line running between Raleigh and Chocowinity; thence south seventy-five degrees twenty minutes east along said southerly right-of-way line of the said Norfolk and Southern Railway's line, seven hundred and fifty-six feet to a staked corner, said corner being on a line dividing the lands of M. T. Horton, deceased, and R. L. Davis; thence north thirty-eight degrees, fifty minutes east along said dividing line, between M. T. Horton, deceased, and R. L. Davis lands and crossing the said Norfolk and Southern main line, six hundred feet, to a staked corner located at Pitt and Church Streets, in said town; thence with the northerly line of Church Street south forty-six—forty-five east three hundred thirty-three feet to a stake on the R. L. Davis lands; thence through the said R. L. Davis lands north forty-two—forty east to an iron stake on the south side of Wilson Street; thence north thirty-four—twenty-five east through the Davis lands eight hundred and twenty-three feet to an iron stake on the northerly line of Grimmsburg Street, south fifty-three—twenty east two hundred and twenty-five feet to an iron stake at the southeast corner of said Grimmsburg Street and Cemetery Street; thence with the easterly line of said Cemetery

New boundaries.

Street north thirty-seven east six hundred and thirty-four feet to an iron stake in the southerly line of the Hollywood Cemetery; thence with the southerly line of the said Hollywood Cemetery south fifty-four—twenty-five east two hundred feet to an iron stake at the southeast corner of said cemetery; thence with the easterly line of said cemetery north thirty-six—twenty-five east five hundred feet to an iron stake at the northeast corner of said cemetery; thence with the northerly line of said cemetery north forty-five—fifteen west six hundred and eighty-five feet to a stake on a big ditch in W. E. Murphrey's line; thence through said W. E. Murphrey's field north twenty-eight—twenty-five west seven hundred and eighty-three feet to an iron stake at the northeast corner of the Town old cemetery; thence on through W. E. Murphrey's land and field north ten—twenty west nine hundred and thirty-eight feet to the southerly line of the Center Bluff road, leading out from Farmville, North Carolina, to Center Bluff on the Tar River; thence with the southerly and easterly line of said road south sixty-two—thirty-five west one hundred and twenty-six feet, south fifty-two—forty west two hundred and thirty-six feet, south forty-four—twenty west four hundred and nineteen feet to the present corporate limits of said Town at the northerly end of Main Street; thence with the present corporation line north sixty-six—fifteen west, crossing the said Main Street and taking in the Doctor P. E. Jones residence five hundred and fifty feet to an iron stake at the intersection of Jones Street and Moore's lane; thence leaving the present corporation line and running through the lands known as the Lang land and the Belcher land north sixty-one—ten west eight hundred and forty-five feet, to the northeast corner of a tobacco barn; thence on through the said Belcher land north sixty-five—twenty west one thousand feet to a point in said field or lands; thence with a diagonal line across said field or land so as to take in the factories and buildings south sixty-four—forty west six hundred and eighty feet to the northerly line of Horne Street and in the present corporate limits line of said town; thence along and with the northerly line of said Horne Street extending westerly the present limits of said town north fifty-four—fifty west nine hundred and ninety-two feet, to a point on the westerly line of the East Carolina Railroad right-of-way and being the northwesterly corner of said town; thence along the westerly right-of-way line of said East Carolina Railroad, the present town limits south ten—twenty west one thousand one hundred and fifty feet to the southerly line of Church Street; thence with the southerly line of Church Street north forty-six—forty-five west seven hundred and twenty feet to an iron stake in the line of Mrs. Travis (May) Hooker's lands; thence with her line south

twelve—five west one thousand and twenty-three feet, to a pine tree (marked) in the dividing line between the said Mrs. Travis (May) Hooker and the Sheppard-DeVisconti (May) land; thence through said Tabitha DeVisconti (May) land south thirty-six east eight hundred and eighty feet, to the westerly right-of-way line of the said East Carolina Railroad right-of-way; thence along and with the westerly right-of-way line of the said East Carolina Railroad and with the present corporate limit line around with the several lines thereof back to the beginnings at the northeast corner of Church and Pitt Streets.”

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this act shall be in full force and effect from and after its ratification.

Ratified this the 21st day of February, A. D. 1931.

CHAPTER 17

AN ACT TO PROVIDE A PENSION FOR MRS. H. MACK GODWIN, WIDOW OF H. MACK GODWIN, LIEUTENANT OF PLAIN CLOTHES SQUAD OF THE CITY OF WILMINGTON, AND TO AUTHORIZE THE PAYMENT THEREOF BY THE BOARD OF COMMISSIONERS.

Whereas, H. Mack Godwin, Lieutenant of the plain clothes squad of the City of Wilmington Police Force, served efficiently and honorably as a police officer for a number of years; and

Preamble, death of Wilmington police officer, H. Mack Godwin, in line of duty.

Whereas, in the performance of his duty the said Lieutenant Godwin received a wound from which he never recovered and which finally resulted in his death and that he left a widow and one small child; and

Leaving widow and small child.

Whereas, the Board of Commissioners of the City of Wilmington have requested legislative authority for pensioning the widow of Lieutenant Godwin: *Now, therefore*,

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Commissioners of the City of Wilmington be and they are hereby authorized and empowered to pay to Mrs. H. Mack Godwin, widow of Lieutenant H. Mack Godwin, the sum of twenty-five dollars per month out of the general fund so long as she shall remain a widow.

Commissioners authorized to pay widow pension of \$25 per month.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this act shall be in full force and effect from and after its ratification.

Ratified this the 21st day of February, A. D. 1931.

CHAPTER 18

AN ACT RELATING TO THE APPLICATION AND INVESTMENT OF PROCEEDS OF SALE, IF MADE, OF THE ELECTRIC LIGHT AND POWER PLANT OF THE CITY OF LEXINGTON, DAVIDSON COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Application of funds derived from Lexington Electric Light and Power Plant, if sold.

To pay outstanding city bonds.

Commissioners may anticipate maturity of bonds.

May purchase and cancel outstanding bonds.

Surplus to be invested in U. S. or State bonds, to be applied to payment of maturing bonds.

Use of balance for lawful purposes.

No street or sidewalk debts to be cancelled.

SECTION 1. That in the event a sale shall be made of the Electric Light and Power Plant of the City of Lexington, in the manner provided by law for sales of municipal property, the proceeds from such sale shall be held and applied and invested by the Board of Commissioners of Lexington for the payment of outstanding bonds of the City of Lexington issued by the City for any purpose whatsoever, for the payment of said bonds and interest thereon as the same may mature and as hereinafter provided.

SEC. 2. That the Board of Commissioners of Lexington shall have the power to anticipate the maturity of any bonds, when it is provided in such bonds that payment thereof may be anticipated, and shall pay off the said bonds and retire the same with said funds as rapidly as may be lawfully done and said Board of Commissioners are also empowered to purchase any outstanding bonds that may be had for the payment of not more than the par value thereof, and upon such purchase the bonds so acquired shall be cancelled at once.

SEC. 3. That all of the proceeds from such sale that may not be used for the payment or retirement or purchase of such outstanding bonds of the City of Lexington as herein provided shall be invested by the Board of Commissioners either in bonds of the State of North Carolina or of the United States of America and the same used and applied together with the interest collected thereon to the payment or retirement of City of Lexington bonds as hereinbefore authorized, and after the entire bonded indebtedness of the City of Lexington has been paid off the surplus derived from such sale or from the investment of the proceeds thereof may be used by the Board of Commissioners of Lexington for any lawful municipal purpose. But debts due the City of Lexington for street and sidewalk assessments shall not be cancelled against abutting property owners.

SEC. 4. That this act shall be in force and effect from and after its ratification.

Ratified this the 21st day of February, A. D. 1931.

CHAPTER 19

AN ACT AUTHORIZING THE TOWN OF GRAHAM TO RE-ASSESS THE COSTS OF PERMANENT STREET IMPROVEMENTS AGAINST CHURCH PROPERTIES ABUTTING THEREON.

The General Assembly of North Carolina do enact:

SECTION 1. That the Governing Body of the Town of Graham is hereby authorized and empowered to re-assess the costs of the construction of street and sidewalk construction, where such streets and sidewalks have been paved by the Town of Graham and the costs thereof assessed against the abutting property owners, in those cases where such costs have been assessed against the real properties abutting on such streets and sidewalks, which are used for church purposes, and on which church buildings are erected within the said Town.

Town of Graham to re-assess paving costs against church property.

SEC. 2. The said Governing Body of the Town of Graham in making such re-assessments against such church properties will take into consideration the original costs of such permanent improvements and the benefits of such permanent improvements to such church properties, and the accrued interest on the costs for such improvements, and it will then arrive at the balance owing on such improvements, and will re-determine the total amount that should be paid by and assessed against said church properties; *provided, however*, in no event shall the said amount so assessed be less than fifty per cent of the total costs of such permanent improvements abutting upon said church properties, as determined upon the lineal feet of frontage, and after taking into consideration the original costs plus interest from the time of the original assessment, less such payments as have been made thereon.

Method of competing re-assessment.

Re-assessment not to be less than 50% of total cost.

SEC. 3. That in the event the said Governing Body of the Town of Graham shall determine to re-assess the costs of said permanent improvements against any of such church properties, then when it shall have determined the amount to be re-assessed against such real property, the said Governing Body is hereby authorized and empowered to make said re-assessment, and to divide the same into equal annual installments, not to exceed ten in number, and to permit the said assessment to be paid in said annual installments, together with interest thereon from the date of such re-assessment until paid, at six per cent per annum, and such assessment shall constitute a first and prior lien on said real property, and in the event there are other outstanding liens of record against any such real property, at the time of making said re-assessment, then the lien of such

Division of re-assessment into ten equal annual installments.

Interest on deferred payments.

To constitute first lien on property.

Re-assessment to relate back to original assessment.

re-assessment shall relate back to the time of the making of the said original assessment against the said real property for said public improvements, as fully as if the re-assessment hereby authorized shall not have been made, and the effect of such re-assessment shall be construed to be only a remittance of such amount as the said re-assessment shall reduce the original assessment, and an extension of the time for the payment of the said re-assessment.

Powers herein granted declared supplemental.

SEC. 4. The power and authority vested in the Governing Body of the Town of Graham by this Act is supplemental and in addition to the laws authorizing and empowering municipalities to construct permanent improvements, and assess the costs thereof against abutting real properties.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

Ratified this the 23rd day of February, A. D. 1931.

CHAPTER 20

AN ACT TO ALLOW THE BOARD OF TRUSTEES OF THE WOODFIN SANITARY WATER AND SEWER DISTRICT TO AID IN RE-OPENING THE FARMERS AND TRADERS BANK, OF WEAVERVILLE.

The General Assembly of North Carolina do enact:

Trustees of Woodfin Sanitary Water & Sewer District authorized to aid in re-opening Farmers and Traders Bank of Weaverville.

SECTION 1. That the Board of Trustees of the Woodfin Sanitary Water and Sewer District be, and they are hereby authorized, in their discretion, to enter into a contract with the Farmers and Traders Bank, of Weaverville, in the event that said bank is permitted to re-open by the Corporation Commission, whereby the funds of said Woodfin Sanitary Water and Sewer District on deposit in said bank at the time of its suspension of business, may remain in said bank and not be withdrawn except at certain stated times and intervals to be mutually agreed upon by and between the Board of Directors of said bank and the Board of Trustees of said Woodfin Sanitary Water and Sewer District.

May contract to leave money on deposit.

Collateral to be retained by District.

SEC. 2. That the Woodfin Sanitary Water and Sewer District shall retain the collateral and/or any guaranty it now holds securing its deposit in said bank at the time said bank suspended; *provided, however,* that as such collateral is collected by the said Woodfin Sanitary Water and Sewer District, the amount so collected shall be credited against the deposit for which the collateral was given as security; *provided further,* that nothing in this act shall relieve said bank, or any guarantors, upon any bond or contract heretofore executed to guarantee the deposits heretofore placed in said bank, nor shall it

Collection of collateral and credit on deposits.

Guarantors not relieved.

relieve said bank from its duty to allow withdrawal of deposits in accordance with the terms and conditions of any contract which may be entered into pursuant to the provisions of this act.

SEC. 3. That all laws and clauses of law in conflict with this act be, and they are hereby repealed.

Conflicting laws repealed.

SEC. 4. That this act shall be in full force and effect from and after its ratification.

Ratified this the 23rd day of February, A. D. 1931.

CHAPTER 21

AN ACT RELATIVE TO A CHANGE IN MONROE'S CITY GOVERNMENT.

The General Assembly of North Carolina do enact:

SECTION 1. The five wards of Monroe, numbers one, two, three, four and five respectively are hereby abolished as political divisions in so far as they are concerned as districts to be individually represented by an Alderman in each Ward.

Election of Monroe Aldermen by wards abolished.

SEC. 2. The number of Aldermen of the City of Monroe is hereby reduced from five to three in number to be elected at large from the qualified bona fide registered citizens of Monroe.

Number of Aldermen reduced to three to be elected at large.

SEC. 3. The governing body of the City of Monroe shall consist of a Mayor and three Aldermen, to be elected by the duly qualified registered voters of Monroe, with a view of securing the best government. In the event a vacancy is created in the office of Mayor or of Aldermen by death, resignation or otherwise, the other members of the governing body shall at once call an election to be held within thirty days to select an official by popular vote to fill the said vacancy.

Mayor and three Aldermen to be elected.

Vacancy elections.

SEC. 4. The Mayor and the Board of Aldermen shall be required to meet once a month or oftener to discuss and attend to the city's business. The meeting shall be opened to all citizens of Monroe and shall be held at such place and time and in such manner that any and all citizens may attend. The cooperation of all citizens shall be sought in the interest of good government.

Public meetings.

SEC. 5. The Mayor and the Board of Aldermen as a whole, shall constitute the Purchasing Agency of the City of Monroe. All purchases shall be audited and published monthly. The taxpayers of Monroe shall be given the benefit of all money saved in purchases. No rebates to Purchasing Agents shall be allowed; *provided*, that the Mayor and the Aldermen as a whole, may delegate purchasing power to some other duly authorized agent. In this case the said delegated Purchasing Agent shall

Mayor and Aldermen constitute Purchasing Agency. Monthly reports of purchases.

Delegation of power of purchase.

Rebates prohibited.

not accept rebates, and shall report all purchased items, duly invoiced, to the governing body, who in turn shall publish the same.

Publication of annual budget.

SEC. 6. An annual budget of receipts and expenditures shall be made and published.

Conflicting provisions of City Charter repealed.

SEC. 7. All sections and all provisions in the Charter of the City of Monroe which conflict in any way with this Amending Act are hereby repealed.

SEC. 8. This Act shall be in force on and after the day of its ratification.

Ratified this the 23rd day of February, A. D. 1931.

CHAPTER 22

AN ACT FOR THE RELIEF OF RESIDENTS OF ELIZABETH CITY AND REGULATING THE MANNER OF FIXING RATES FOR SEWER SERVICE.

The General Assembly of North Carolina do enact:

Ch. 194, Private Laws 1925, amended.

SECTION 1. That Section five of Chapter one hundred ninety-four of Private Laws of one thousand nine hundred and twenty-five be amended by adding at the end thereof the following:

Charge for sewer service in Elizabeth City.

Provided further, that the charge for sewer service shall not exceed fifty per centum of the charge for water service for the same or like premises.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict herewith are hereby repealed.

SEC. 3. This act shall be in full force and effect from and after ratification.

Ratified this the 23rd day of February, A. D. 1931.

CHAPTER 23

AN ACT TO INCORPORATE THE TOWN OF HATTERAS IN DARE COUNTY.

The General Assembly of North Carolina do enact:

Town of Hatteras incorporated.

SECTION 1. That the town of Hatteras in the County of Dare, be and the same is hereby incorporated under the name and style of "Town of Hatteras," and it shall be subject to all the provisions of the laws of North Carolina now existing in reference to incorporated towns.

Corporate limits.

SEC. 2. The corporate limits of said town shall be and include all that certain territory in Hatteras Township, Dare County, known and designated as Hatteras School District; and that the boundaries of said school district shall be embraced within the corporate limits of said town of Hatteras.

- SEC. 3. That the officers of said corporation shall consist of a mayor, three commissioners, and one town constable, to be elected by the qualified voters of said town upon and after the adoption of this corporate enactment, as hereinafter provided, by an election to be called and held by the County Board of Elections of Dare County, as soon as practicable thereafter, and said election to be called, held and governed by the general election laws of North Carolina; and that said mayor and commissioners elected at said election, and their successors in office, shall constitute a governing board of said town, and shall have the power and authority to designate and appoint such other officers as they deem necessary in the government of said town.
- SEC. 4. That the tax rate on property and polls within said town shall be fixed by said governing board composed of said mayor and three commissioners, said tax rate on property not to exceed twelve cents on the one hundred dollars' valuation of property, and the poll tax to be comparable to the tax levy on property and within the constitutional limitation.
- SEC. 5. That all elections for the election of the elective town officers, after the election herein provided for the first officers of said town, shall be held in said town on the first Saturday in May, one thousand nine hundred and thirty-two, and biennially thereafter, for the purpose of electing the officers provided for in this act: to wit, a mayor, three commissioners, and a town constable, said election to be held under the general election laws pertaining to towns and cities.
- SEC. 6. That the mayor and commissioners shall constitute a governing body and form a council and make, publish and enforce such ordinances for the government of said town as they may deem wise and expedient, not inconsistent with the constitution and statutes of North Carolina.
- SEC. 7. That the officers provided for by this act shall qualify within thirty days after their election, as herein provided for, before a Justice of the Peace or Clerk of the Superior Court of Dare County; and all officers hereafter elected shall qualify in like manner.
- SEC. 8. That before this act shall become effective and operative, there shall be called and held an election in said Hatteras School District for the purpose of giving the qualified voters of said district the privilege of adopting or rejecting this act of incorporating the town of Hatteras; and for that purpose the County Board of Elections of Dare County is hereby authorized and directed to call said election under the general laws pertaining to elections in North Carolina; and preceding the holding of said election to cause a new registration of the qualified voters residing within said Hatteras School District, at

Officers of town enumerated.

First election of officers.

Appointment of subordinate officers.

Tax rate, 12c on \$100.

Poll tax.

Time of first election. May, 1932.

Publication and enforcement of ordinances.

Qualification of officers elected.

Election on proposed incorporation to be called.

New registration.

Ballots. which election the said qualified voters of said school district, said school district being the purported territory to be embraced within the town limits of the town of Hatteras, will vote a ballot as follows: Those who favor the incorporation of the town of Hatteras shall cast a ballot upon which shall be written or printed the words "For Incorporation of the Town of Hatteras," and those opposed to incorporating the town of Hatteras shall cast a ballot upon which shall be written or printed the words "Against Incorporation of the Town of Hatteras"; and if a majority of the votes cast at said election be for incorporating the town of Hatteras, then this act shall be in full force and effect.

Conflicting laws repealed.

SEC. 9. That all laws and clauses of laws in conflict herewith are repealed.

SEC. 10. That this act shall become effective from and after its ratification.

Ratified this the 23rd day of February, A. D. 1931.

CHAPTER 24

AN ACT TO AMEND CHAPTER TWENTY-FIVE, PRIVATE LAWS, ONE THOUSAND NINE HUNDRED AND ELEVEN, INCORPORATING THE TOWN OF ELLERBE IN RICHMOND COUNTY AND TO PROVIDE FOR THE APPOINTMENT OF THE CHIEF OF POLICE BY THE GOVERNING BODY OF SAID TOWN.

The General Assembly of North Carolina do enact:

Ch. 25, Private Laws 1911, amended.

SECTION 1. That chapter twenty-five of the Private Laws of one thousand nine hundred and eleven, be and the same is hereby amended by striking out all of section four of said chapter and inserting in lieu thereof the following:

Election of Mayor and Commissioners in Ellerbe in May, 1931.

"SEC. 4. There shall be an election held for the offices of mayor and commissioners on the first Monday in May, one thousand nine hundred and thirty-one, and biennially thereafter, under the same rules and regulations that govern state and county elections and the mayor and commissioners shall appoint a registrar and two judges of election to conduct same, and provide for the registration of the voters in the corporate limits of the town. All persons qualified to vote for members of the General Assembly shall be allowed to register and vote in the town election. The mayor and commissioners immediately after their election and at their first meeting after their election and qualification, shall elect a town marshal for such term as they may determine and shall fix the compensation of said officer; *provided, however,* that the present marshal shall hold his office for the term for which he was elected."

Appointment of election officials.

Qualifications for voting.

Appointment of town marshal.

Term of office.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this act shall be in full force and effect from and after its ratification.

Ratified this the 23rd day of February, A. D. 1931.

CHAPTER 25

AN ACT TO EXTEND THE CORPORATE LIMITS OF THE CITY OF REIDSVILLE, ROCKINGHAM COUNTY, AND TO PROVIDE FOR AN ELECTION TO DETERMINE THIS QUESTION.

The General Assembly of North Carolina do enact:

SECTION 1. That the inhabitants of the city of Reidsville, Rockingham County, as the boundaries and limits of said town are herein set forth and established, shall be and continue a body politic incorporate and as such, vested with all the property and rights of property which may now or hereafter belong to said city, and have all the power, rights and privileges conferred upon it by any general, special, public-local or private laws relating to such city.

Corporate limits of Reidsville extended.

SEC. 2. That the corporate limits of said city of Reidsville shall be as follows:

"Beginning at the southeast corner of Pennrose Park N. 49 deg. E. 4356' to an iron stake in new cemetery on the east of the Southern Railway; thence N. 30 deg. 15' east 1076' to a corner in fence back of Walker house; thence North 7 deg. 30' east 1453' to an iron cornering on the east side of the Stallings house; thence North 34 deg. east 4072', crossing on Lawsonville Avenue at a maple tree on the north side of Lawsonville Avenue; thence north 37 deg. 15' west 2397' to a corner on the south side of Hubbard Street extension; thence north 18 deg. 12' west 4800' to a stake on the west side of the old dirt road to Danville; thence north 73 deg. 00' west 3130' to a stake on the east side of the lower Leakesville Road (North Scales Street extension) near Stone's Store; thence south 69 deg. 30' west 2208' to a pine tree on the west side of street in the new Stokes development; thence south 58 deg. 40' west crossing a two-inch line 2623' to a corner in Carroll field near a ravine on the north side of Wentworth highway; thence south 5 deg. west crossing State Highway No. 54 and No. 48, 3238' to a stake on the south side of New Street in Ware's subdivision; thence south 26 deg. 30' west 3414' crossing old Wentworth Road west of old Anderson home; thence south 33 deg. 30' east 2866 feet to an iron pipe in Courtland

New boundaries.

Place; thence south 31 deg. 30' east crossing Richardson Road to a pipe and corner in Pennrose Park 2567 feet; thence south 53 deg. east 333 feet to an iron stake on the southwest side of the old Hillsboro Road; thence south 45 deg. 30' east 268½ feet to a stake on the northeast side of old Hillsboro road; thence south 48 deg. 45' east to an iron stake on old Hillsboro Road 595 feet; thence south 44 deg. 45' east 138½' to an iron stake on old Hillsboro Road; thence south 44 deg. 30' east 231' crossing Trent Road to an iron stake on northeast side of old Hillsboro Road; thence south 36 deg. 30' east 100.5' to an iron stake on northeast side of old Hillsboro Road; thence south 37 deg. east 332' to an iron stake on northeast side of old Hillsboro Road; thence south 29 deg. 30' east 282' to an iron stake on northeast side of old Hillsboro Road; thence south 36 deg. 30' east 157' to a stake on old Hillsboro Road; thence south 54 deg. east 64' crossing branch to an iron stake on northeast side of old Hillsboro Road; thence south 83 deg. 30' east 174' to an iron stake on northeast side of old Hillsboro Road; thence south 50 deg. 30' east 377' to an iron stake on northeast side of old Hillsboro Road; thence south 37 deg. 30' east crossing the old Hillsboro Road 221' to an iron stake on southwest side of said road; thence south 23 deg. east 252' to an iron stake; thence south 4 deg. 30' east 429.9' to iron stake; thence south 70 deg. 30' east 215.3' to an iron stake; thence south 61 deg. 30' east 151.9' to point of beginning.

Vote of people affected necessary.

Provided, however, that the extension of the limits of said city so as to include all the area as described in this section shall be adopted by a vote of the people within said boundary lines at an election to be held in the manner set out in this act.

Submission of extension to qualified voters.

SEC. 3. That the question of the extension of the corporate limits of the said city of Reidsville shall be submitted to the qualified voters of the territory set out and described in section two of this act, the same being the territory now within the limits of said city and that proposed to be annexed thereto, the said election to be held on Monday, the thirtieth day of March, one thousand nine hundred thirty-one, in accordance with the provisions of this act.

Time of election.

Adoption and publication of ordinance calling for election.

SEC. 4. That the city council of the said city of Reidsville is authorized and empowered to adopt an ordinance calling for an election in conformity with this act, the said ordinance to be published in a newspaper published in the city of Reidsville once a week for four weeks prior to said election. The said city council is also authorized, empowered and directed to provide for a new or special registration of the voters within said ter-

ritory, to designate the precinct or precincts and polling places for such election, and to name a registrar and two judges of election for each precinct.

SEC. 5. That the said city council shall print, prepare and distribute the necessary ballots for said election upon which shall be printed in appropriate places the words "for extension" and "against extension". At the left of each there shall be printed a voting square, one above the other, and in which the voter may indicate his choice as being "for extension" or "against extension" by making a cross-mark as he may choose. At the top of the ballot shall be printed the following instructions:

- (1) To vote "Yes" on this proposition, make the cross-mark in the square to the left of the words "For extension".
- (2) To vote "No" on this proposition, make a cross-mark in the square to the left of the words "Against extension".
- (3) Mark only with a pencil or pen and ink.
- (4) If you tear or deface or wrongly mark this ballot, return and get another.

The said election shall be held under the provisions of the Australian Ballot Act, chapter one hundred sixty-four Public Laws of one thousand nine hundred twenty-nine, and generally under other appropriate provisions of law governing elections in cities and towns.

SEC. 6. The registrars and judges of election shall, upon the conclusion thereof, count and ascertain the result of the election in their respective precincts and make returns thereof to the city council of the city of Reidsville. The said council shall, upon the receipt of said returns and not later than the fifth day thereafter, at a meeting to be held for said purpose, canvass and judicially determine the result of the election upon the returns so made to it by such registrars and judges of election from the several election precincts.

SEC. 7. If a majority of the votes cast at such election shall be for extension, then from and after the declaration of the result thereof as so made by the city council of the city of Reidsville, the corporate limits of the said city of Reidsville shall be as described and set out in section two hereof, and the said territory so described, and its citizens and the property therein, shall in all respects be the city of Reidsville and be subject to all the laws, ordinances and regulations of said city at said time, and entitled to all the privileges and benefits as conferred upon said citizens by all laws, public, special, public-local or private, relating to said city. If a majority of the votes cast shall be against extension, there shall be no extension of the

Specifications of
ballots.

Instructions
printed on
ballots.

Australian Ballot
Law applicable.

Canvassing and
determining
results.

Majority to
control.

corporate limits as the result of said election, and the corporate limits of the said city of Reidsville shall be and remain as they were before the holding of said election.

In event election is lost, another may be called after six months.

SEC. 8. In the event a majority of the votes cast at said election shall be against extension, the question of the extension of the said city limits under the terms of this act shall not be again submitted to a vote within six months after the date of said election; but at any time or times after six months from the date of said election, the city council of Reidsville may, by ordinance duly adopted, call another election or elections for the purpose of resubmitting to the voters within said territory the question of an extension of the city limits, and if such other election or elections shall be called, the same shall be called, notice thereof given, registration had, the election held, the returns canvassed and the result declared, and all other details with respect to said election performed in accordance with the provisions of this act as hereinbefore set out with respect to the said first election.

This Act to apply to new election if called.

SEC. 9. This act shall be in force and effect from and after its ratification.

Ratified this the 24th day of February, A. D. 1931.

CHAPTER 26

AN ACT TO AMEND THE CHARTER OF SILER CITY AS CONTAINED IN CHAPTER TWO HUNDRED AND EIGHT, PRIVATE LAWS OF ONE THOUSAND EIGHT HUNDRED AND NINETY-NINE, FIXING THE PLACE FOR TAX SALES.

The General Assembly of North Carolina do enact:

Ch. 208, Private Laws 1899, amended, relative to place for tax sales in Siler City.

SECTION 1. That section seven of chapter two hundred and eight, Private Laws of one thousand eight hundred and ninety-nine, be amended by striking out all of said section following the word "provided" in line five thereof, and inserting in lieu thereof the following: "Any and all lands sold for taxes or street assessments shall be sold at the door of the Municipal building in said town".

SEC. 2. That this act shall be in full force and effect from and after its ratification.

Ratified this the 24th day of February, A. D. 1931.

CHAPTER 27

“AN ACT TO AMEND CHAPTER TWO HUNDRED FOURTEEN OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED FIVE,” BEING THE CHARTER OF THE TOWN OF SOUTHERN PINES.

The General Assembly of North Carolina do enact:

SECTION 1. That section three of chapter two hundred fourteen of the Private Laws of one thousand nine hundred five (being the charter of the Town of Southern Pines, amended, revised and consolidated), be, and hereby is, amended by striking out the word “Annually” and inserting in lieu thereof the word “Biennially”; and also by inserting after the words “First Monday in May”, the following: “one thousand nine hundred thirty-one, and every two years thereafter”.

Ch. 214, Private Laws 1905, amended, relating to Charter of Southern Pines.

SEC. 2. That section five of the chapter two hundred fourteen of the Private Laws of one thousand nine hundred five be, and hereby is, amended by striking out, in the first sentence thereof, the words “Each year”, and inserting in lieu thereof the following: “one thousand nine hundred thirty-one, and every second year thereafter”.

Law again amended.

SEC. 3. That section twenty-two of chapter two hundred fourteen of the Private Laws of one thousand nine hundred five be, and hereby is, amended by striking out the words “One year” in the first sentence thereof, and inserting in lieu thereof the following: “Two years”.

Law again amended.

SEC. 4. That section twenty-three of chapter two hundred fourteen of the Private Laws of one thousand nine hundred five be, and hereby is amended by striking out, from the first sentence thereof, the words “One year”, and inserting in lieu thereof the following: “Two years”.

Law again amended.

SEC. 5. That section twenty-four of chapter two hundred fourteen of the Private Laws of one thousand nine hundred five be, and hereby is, amended by striking out, from the first sentence thereof, the words “One year”, and inserting in lieu thereof the following: “Two years”.

Law again amended.

SEC. 6. That section twenty-five of chapter two hundred fourteen of the Private Laws of one thousand nine hundred five be, and hereby is, amended by striking out, from the first sentence thereof, the words “One year”, and inserting in lieu thereof the following: “Two years”.

Law again amended.

SEC. 7. That all laws and clauses of laws in conflict with this act, to the extent only of such conflict, be and hereby are repealed.

Conflicting laws repealed.

SEC. 8. This act shall be in force from and after its ratification.

Ratified this the 25th day of February, A. D. 1931.

CHAPTER 28

AN ACT TO PREVENT THE WEIGHING OF COTTON IN BALES WITHIN THE CORPORATE LIMITS OF THE TOWN OF WAXHAW BY ANY OTHER PERSON EXCEPT THE OFFICIAL COTTON WEIGHER AT WAXHAW AND TO FIX THE CHARGE FOR WEIGHING COTTON IN MARSHVILLE.

The General Assembly of North Carolina do enact:

Unlawful to buy cotton in Waxhaw unless weighed by town cotton weigher or assistant.

SECTION 1. That it shall be unlawful for any cotton buyer to buy cotton in bales, within the corporate limits of the town of Waxhaw, unless such cotton shall have been weighed by the cotton weigher provided for the town of Waxhaw under Chapter two hundred and sixty-two of the Public Laws of North Carolina, one thousand nine hundred and nine, or his assistant, or by some other cotton weigher provided by law, or his assistant.

Violation made misdemeanor.

SEC. 2. That any cotton buyer violating the provisions of Section one of this act shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned in the discretion of the court.

Fee of cotton weigher in Marshville 12 cents per bale.

SEC. 3. That the fee of the cotton weigher of Marshville, Union County, shall be twelve cents per bale for all cotton weighed by him.

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 5. That this act shall be in full force and effect from and after its ratification.

Ratified this the 26th day of February, A.D. 1931.

CHAPTER 29

AN ACT TO AUTHORIZE THE MAYOR AND COMMISSIONERS OF THE TOWN OF KINGS MOUNTAIN, NORTH CAROLINA, TO SELL OR DONATE A VACANT LOT TO THE WOMAN'S CLUB.

The General Assembly of North Carolina do enact:

Kings Mountain Mayor and Commissioners authorized to sell or donate lot to Woman's Club.

SECTION 1. That the Mayor and Board of Commissioners of the Town of Kings Mountain, North Carolina, are authorized and empowered to sell or donate to the Woman's Club of the Town of Kings Mountain a vacant lot off of the south side of the town lot now used for a city hall fronting on Piedmont Street in the town of Kings Mountain not exceeding forty feet front and running back one hundred and sixty-nine feet deep.

Location of lot.
Dimensions.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this act shall be in force and effect from and after its ratification.

Ratified this the 27th day of February, A.D. 1931.

CHAPTER 30

AN ACT TO AMEND CHAPTER ONE HUNDRED AND FORTY-ONE OF PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND ONE, BY REPEALING SECTION SIX THEREOF RELATIVE TO THE ELECTION OF TRUSTEES FOR THE GRADED SCHOOLS OF THE TOWN OF ROCKINGHAM AND TO MAKE NEW PROVISION THEREFOR.

The General Assembly of North Carolina do enact:

SECTION 1. That Section six of Chapter one hundred forty-one of the Private Laws of one thousand nine hundred and one be and the same is hereby repealed.

Ch. 141. Private
Laws 1901.
amended.

SEC. 2. That the trustees of the graded schools of the Town of Rockingham who are now in office shall continue to hold office until the first Tuesday after the first Monday in May, one thousand nine hundred and thirty-one, at which time their term of office shall expire; and the said trustees of the Rockingham Graded Schools who are now in office shall not enter into any contract of employment with any teacher, superintendents or other person for the performance of any duties in said schools which duties are to be performed after June thirtieth, one thousand nine hundred and thirty-one. Any such contract entered into or attempted to be entered into by the said trustees in violation of this provision shall be null and void.

Rockingham
Graded School
Trustees to hold
office till May,
1931.

No contracts to
be made extend-
ing beyond that
time.

SEC. 3. That on the first Tuesday after the first Monday in May of the year one thousand nine hundred and thirty-one, at the time of the election of other municipal officers, there shall be elected two trustees for the Rockingham Graded Schools to serve for a period of four years, and three trustees to serve for a term of two years, and in order that there may be a majority of trustees for the said schools elected every two years thereafter, there shall be elected on the first Tuesday after the first Monday in May, one thousand nine hundred and thirty-three, and every two years thereafter, on the first Tuesday after the first Monday in May, two trustees for a period of four years and one trustee for a period of two years.

Election of new
Trustees in May,
1931.

Term of office.

Election in May,
1933.

SEC. 4. That the said trustees as herein provided for shall have all the powers and authorities conferred upon the trustees of the Rockingham Graded Schools by Chapter one hundred and forty-one of the Private Laws of one thousand nine hundred and one, and amendments thereto, and as otherwise provided by law.

Powers and
duties of new
Trustees.

SEC. 5. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed.

Conflicting laws
repealed.

SEC. 6. That this act shall be in force and effect from and after its ratification.

Ratified this the 27th day of February, A.D. 1931.

CHAPTER 31

AN ACT TO IMPOSE THE DUTIES OF TAX COLLECTOR
UPON THE SECRETARY-TREASURER OF THE TOWN
OF SPRUCE PINE AND PROVIDE BOND THEREFOR.*The General Assembly of North Carolina do enact:*

Secretary-Treasurer of Spruce Pine to act as tax collector.

SECTION 1. That the secretary-treasurer or any other bonded officer appointed by the Board of Aldermen of the town of Spruce Pine shall be and is hereby designated as tax collector for said town and all duties and powers now imposed and conferred by law upon the tax collector shall be imposed and conferred upon the secretary-treasurer or any other bonded officer appointed by the board of Aldermen.

Bond to be furnished.

SEC. 2. That the secretary-treasurer, as secretary-treasurer and tax collector or other person appointed by said Board of Aldermen, shall furnish bond for the faithful performance of his duties and for the proper accounting for all money received by him in an amount to be approved by the Board of Aldermen; the premium on said bond to be paid out of the general fund of the town.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 4. That this act shall be in force and effect from and after its ratification.

Ratified this the 28th day of February, A.D. 1931.

CHAPTER 32

AN ACT TO AMEND SECTION ONE, CHAPTER SEVENTY,
PRIVATE LAWS, ONE THOUSAND NINE HUNDRED
AND TWENTY-THREE, PROVIDING FOR
THE ELECTION OF FIVE MEMBERS OF THE SCHOOL
COMMITTEE FOR THE TOWN OF EAST SPENCER.*The General Assembly of North Carolina do enact:*

Ch. 70, Private Laws 1923, amended.

Provision for election of five members of school committee of East Spencer biennially.

SECTION 1. That section one of Chapter seventy, Private Laws, one thousand nine hundred and twenty-three, be and the same is hereby amended by striking out the words: "The Board of Aldermen of the town of East Spencer shall elect or appoint" and inserting in lieu thereof the following: "That at the next election to be held for municipal officers in the town of East Spencer and biennially thereafter there shall be elected five persons who shall constitute the".

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 3. That this act shall be in full force and effect from and after its ratification.

Ratified this the 28th day of February, A.D. 1931.

CHAPTER 33

AN ACT TO DECREASE THE NUMBER OF COMMISSIONERS OF THE TOWN OF BAILEY, NASH COUNTY, FROM FIVE TO THREE.

The General Assembly of North Carolina do enact:

SECTION 1. That at the next municipal election to be held in the town of Bailey, Nash County, and biennially thereafter, there shall be elected three commissioners of said town instead of five commissioners as heretofore, and said three commissioners, when duly elected and qualified, shall constitute the governing body of said town, having such powers and duties as provided for in the charter of said town, and as otherwise provided by law.

Election of five commissioners instead of three provided for town of Bailey.

Powers and duties.

SEC. 2. That said commissioners shall receive as compensation for their services the sum of one hundred dollars each, per year, and said compensation shall be paid out of the treasury of said town, as in case of other expenditures.

Compensation \$100 per year.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Conflicting laws repealed.

SEC. 4. That this act shall be in force from and after its ratification.

Ratified this the 2nd day of March, A.D. 1931.

CHAPTER 34

AN ACT TO REQUIRE THE FILING OF CLAIMS WITH AND REGULATING ACTIONS AGAINST THE TOWN OF BLACK MOUNTAIN.

The General Assembly of North Carolina do enact:

SECTION 1. That no action shall be instituted or maintained against the Town of Black Mountain upon any claim or demand whatsoever of any kind or character, until the claimant shall have first presented his or her claim or demand in writing to the Board of Aldermen of said town and said Board of Aldermen shall have declined to pay or settle the same as presented, or for ten days after such presentation neglected to enter or cause to be entered upon its minutes its determination in regard thereto, but nothing herein contained shall be construed to prevent any statute of limitations from commencing to run at the time such claim accrued or demand arose, or in any manner interfere with its running.

No action allowed against Black Mountain till claim filed in writing and refusal to pay.

Statute of limitations preserved.

SEC. 2. That no action for damages against the Town of Black Mountain of any character whatever to either person or property shall be instituted against said town, unless within ninety days after the happening or infliction of the injury com-

Notice necessary before beginning action in tort.

Contents of notice.

Statute of limitations preserved.

Debts and liabilities to be paid by taxation.

No execution on judgments allowed.

Town not required as plaintiff to execute prosecution bond or to deposit court costs.

Conflicting laws repealed.

plained of, the complainant, his executors or administrators, shall have given notice to the Board of Aldermen of said town of such injury, in writing, stating in such notice the date and place of happening or infliction of such injury, the manner of such infliction, the character of the injury, and the amount of damages claimed therefor; but this shall not prevent any time of limitation prescribed by law from commencing to run at the date of the happening or infliction of such injury or in any manner interfere with its running.

SEC. 3. All debts and liabilities of said town heretofore or hereafter contracted or incurred, shall be paid and discharged alone by taxation upon subjects properly taxable by it to the extent allowed by law, and no such debt or liability shall be subject to be levied upon or collected by execution against said town, or any property, real or personal, held by it, and no execution therefor shall issue against said town on any judgment obtained thereon.

SEC. 4. That said town shall not be required to make any bond for costs upon the institution of any civil action in the courts of the State of North Carolina, nor shall it be required to pay in advance any fees upon any lawsuit so instituted for issuance of summons, subpoena or other process, but that such costs shall be taxed upon rendition of judgment, and paid as judgment of the court in such case may direct.

SEC. 5. That all laws and clauses of laws in conflict herewith be and the same are hereby repealed.

SEC. 6. That this act shall be in force from and after its ratification.

Ratified this the 2nd day of March, A.D. 1931.

CHAPTER 35

AN ACT AMENDING CHAPTER ONE HUNDRED AND FIFTY-SIX OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-NINE RELATING TO THE ESTABLISHING OF THE BOXING COMMISSION FOR THE CITY OF ASHEVILLE.

The General Assembly of North Carolina do enact:

Ch. 156, Private Laws 1929, amended, adding wrestling to provisions of act pertaining to Asheville.

Law again amended.

SECTION 1. That Section one of Chapter one hundred and fifty-six of the Private Laws of one thousand nine hundred and twenty-nine be amended by inserting the words "and wrestling" after the word "boxing" and before the word "commission" in line one of said section.

SEC. 2. That Section two of said chapter be amended by inserting the words "and wrestling" after the word "boxing" and before the word "commission" in line one of Section two

of said act. That line four of Section two be amended by inserting the words "and wrestling" after the word "boxing" and before the word "exhibition". That line seven of said Section two be amended by inserting the word "wrestling" after the word "such" and before the word "match".

SEC. 3. That Section three, be and the same is hereby repealed, and there is inserted in lieu thereof the following:

"That it shall be lawful to engage in, manage, or promote boxing or wrestling exhibitions or matches in the city of Asheville: *Provided*, said boxing exhibit shall not exceed fifteen rounds in length: and *Provided, further*, that said wrestling match or boxing exhibition has the written consent and approval of the Wrestling and Boxing Commission."

Wrestling permitted in Asheville under supervision of Wrestling and Boxing Commission.

SEC. 4. That Section four of said act be amended by inserting the word "wrestling" after the word "any" and just before the word "match" in line three of said section.

Law again amended.

SEC. 5. That this act is to enlarge upon and not repeal any of the powers given to the said commission.

Act enlarges powers of Commission.

SEC. 6. That this act shall be in full force and effect from and after its ratification.

Ratified this the 2nd day of March, A.D. 1931.

CHAPTER 36

AN ACT TO REPEAL CHAPTER TWO HUNDRED NINE OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED TWENTY-SEVEN, CREATING A POWER AND WATER COMMISSION FOR THE TOWN OF PLYMOUTH.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter two hundred nine of the Private Laws of one thousand nine hundred twenty-seven, creating a power and water commission for the town of Plymouth be and the same is hereby in all respects repealed.

Ch. 209. Private Laws 1927, repealed, abolishing power and water commission in Plymouth.

SEC. 2. That all laws and clauses of laws in conflict with this act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this act shall be in full force and effect from and after its ratification.

Ratified this the 2nd day of March, A.D. 1931.

CHAPTER 37

AN ACT TO AMEND THE CHARTER OF THE TOWN OF HIGHLANDS, MACON COUNTY.

The General Assembly of North Carolina do enact:

Ch. 156, Private Laws 1901, amended, relative to charter of Highlands.

SECTION 1. That Section six, of Chapter one hundred fifty-six, of the Private Laws of North Carolina, Session of one thousand nine hundred one, entitled "An Act to Amend the Charter of the Town of Highlands, Macon County," be and the same is hereby amended by striking out of said Section, the following words, "Which sum shall be at least double the amount of the taxes levied the previous year."

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this act be and the same are hereby repealed.

SEC. 3. That this act shall be in force and effect from and after its ratification.

Ratified this the 3rd day of March, A.D. 1931.

CHAPTER 38

AN ACT TO RESTORE THE CORPORATE LIMITS OF THE TOWN OF PEACHLAND IN ANSON COUNTY TO WHAT THEY WERE ORIGINALLY.

The General Assembly of North Carolina do enact:

Ch. 110, Private Laws 1919, repealed, restoring old corporate limits of Peachland.

SECTION 1. That Chapter one hundred ten, Private Laws of one thousand nine hundred nineteen be, and it is hereby, repealed.

Sec. 2, ch. 197, Private Laws 1895, thus re-enacted.

SEC. 2. That Section two of Chapter one hundred ninety-seven, Private Laws of one thousand eight hundred ninety-five be, and it is hereby, re-enacted.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 4. This act shall be in force and effect from and after its ratification.

Ratified this the 3rd day of March, A.D. 1931.

CHAPTER 39

AN ACT TO REPEAL AND ABROGATE THE CHARTER OF THE TOWN OF WEST SOUTHERN PINES IN MOORE COUNTY, AND TO ANNEX THE TERRITORY WITHIN THE TERRITORIAL LIMITS THEREOF TO THE TOWN OF SOUTHERN PINES.

The General Assembly of North Carolina do enact:

Ch. 210, Private Laws 1923, repealed, abrogating town of West Southern Pines.

SECTION 1. That Chapter two hundred ten, Private Laws of one thousand nine hundred twenty-three, the same being "An act to incorporate the town of West Southern Pines in

Moore County", be, and the same is hereby, repealed, it being the purpose and intent of this section to abrogate the charter and terminate the existence of said municipality.

SEC. 2. That all the powers conferred upon any and all officers of said town of West Southern Pines by said Chapter two hundred ten Private Laws of one thousand and nine hundred twenty-three, or by any other acts of the General Assembly of this State, be, and they are hereby, terminated, and from and after the ratification of this act such officers shall have no further power or authority to perform any duties under, or conferred upon them by, said act or laws as such officers of said town of West Southern Pines.

Powers and duties of officers of municipality abolished.

SEC. 3. That the territory comprehended within the limits of said town of West Southern Pines as described and set out in Section two of said Chapter two hundred ten Private Laws of one thousand nine hundred twenty-three, together with certain small segments or sections of land adjacent and contiguous thereto, be, and the same is hereby, annexed to and made a part of the town of Southern Pines in Moore County, the said territory so annexed, which includes the territory embraced in said town of West Southern Pines, together with said additional territory is bounded and described as follows:

Territory of town incorporated into Southern Pines, together with other territory.

Beginning at a point in the present town line of Southern Pines, (being the center of the run of McDeed's Creek,) where the same is intersected by the Southwest line of Rhode Island Avenue, as shown upon the official Map of the Town of Southern Pines, and running thence:

New boundaries.

(1) With said line of Rhode Island Avenue, as extended in a northwesterly direction (which avenue becomes Fairway Road, as shown upon the Map of Knollwood), for about two thousand nine hundred feet, to the northwest line of Pine Street extended. Thence,

(2) With said line of Pine Street extended, Fifty-three degrees fifteen' W, for about three thousand seven hundred fifty feet to a point in the original line of the corporate limits of the town of Southern Pines between Iowa and Michigan Avenues, as shown upon the official Map of Southern Pines which is of record in the office of the Register of Deeds for Moore County, in Book Ten of Deeds.

All the courses of the said Rhode Island Avenue extended, (also called Fairway Road), and of Pine Street, Iowa and Michigan Avenues, etc., being shown upon the new official Map of Southern Pines and its environs, recently filed in the office of the Register of Deeds aforesaid.

SEC. 4. That the Mayor, Commissioners, and other officers of the said town of West Southern Pines are hereby authorized, empowered and directed to turn over and deliver to the Mayor

Public property to be turned over to officials of Southern Pines.

and Board of Commissioners of the town of Southern Pines all public or municipal property which at the time of the ratification of this Act shall belong to the town of West Southern Pines, and thereupon it shall become the duty of the authorities of the said town of Southern Pines to perform all the duties with respect to the territory comprised within the limits of the town of West Southern Pines which are or may hereafter be conferred upon the said public authorities of the town of Southern Pines with respect to the said original town of Southern Pines.

Indebtedness of town assumed by town of Southern Pines.

SEC. 5. That it shall be the duty of the governing authorities of the town of Southern Pines to assume and pay all valid indebtedness of the town of West Southern Pines existing at the time of the ratification of this Act.

Citizens and residents made citizens and residents of Southern Pines.

SEC. 6. Upon the ratification of this Act and the termination of the corporate powers of said town of West Southern Pines, the citizens and residents within said territory as described and set out in Section three of this Act shall become citizens and residents of the town of Southern Pines in Moore County, and shall have all the rights and privileges conferred upon, and be subject to all the liabilities of, citizens and residents of the town of Southern Pines.

SEC. 7. This Act shall be in force and effect from and after its ratification.

Ratified this the 3rd day of March, A.D. 1931.

CHAPTER 40

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF THE CITY OF ASHEVILLE TO ENTER INTO A CONTRACT WITH THE SUSPENDED BANK OF WEST ASHEVILLE WITH REFERENCE TO ITS REOPENING.

The General Assembly of North Carolina do enact:

City Commissioners of Asheville authorized to aid in reopening of Bank of West Asheville by freezing deposits.

SECTION 1. That the Board of Commissioners of the City of Asheville be and are hereby authorized in their discretion to enter into a contract with the Bank of West Asheville, in the event that it is permitted to reopen by the State Corporation Commission, whereby the funds of said city on deposit in such bank at the time of its discontinuance of business may remain in said bank and not be withdrawn except at certain stated times or intervals mutually agreed upon by and between the Board of Directors of said bank and the Board of Commissioners of said city.

- SEC. 2. That the City of Asheville shall retain the collateral or any guarantee it now holds securing deposits in said bank at the time it closed: *Provided, however*, that as such collateral is collected by the city the amount so collected shall be charged against the deposit for which the collateral was given as security: *Provided, however*, that nothing in this act shall relieve said bank or any guarantors upon any bond or contract heretofore executed guaranteeing the deposits heretofore placed in said bank, nor shall it relieve said bank from its duty to allow withdrawal of deposits in accordance with the terms and conditions of any contract entered into pursuant to the provisions of this act.
- SEC. 3. That all laws or clauses of laws in conflict with this act be and are hereby repealed.
- SEC. 4. That this act shall be in full force and effect from and after its ratification.
- Ratified this the 3rd day of March, A.D. 1931.

Collateral to be retained.

Collection of collateral and application of proceeds.

Deposit bonds unimpaired.

Withdrawal of deposits.

Conflicting laws repealed.

CHAPTER 41

AN ACT FOR THE EXTENSION OF THE CORPORATE LIMITS OF THE CITY OF HICKORY, FOR AN ELECTION IN FURTHERANCE THEREOF, FOR THE REPEAL OF THE CHARTERS OF OTHER TOWNS WITHIN THE EXTENDED LIMITS, AND FOR OTHER PURPOSES.

The General Assembly of North Carolina do enact:

- SECTION 1. Subject to an election to be held in the manner hereinafter provided, the corporate limits of the City of Hickory shall be extended by adding to the present corporate limits all the territory which is now embraced within the corporate limits of the town of West Hickory, by adding to the present corporate limits all the territory now embraced within the corporate limits of the town of Highland. Reference is hereby made to the present charters of the towns of Highland and West Hickory, and all amendments thereto, for definite description of their corporate limits.
- SEC. 2. That the question of such extension of the corporate limits of the City of Hickory shall be submitted to a vote of the qualified voters of the said city and of the territory proposed to be annexed.
- SEC. 3. The election shall be held on the first Monday of July, one thousand nine hundred and thirty-one, under the supervision of the Catawba County Board of Elections, and in all particulars, other than those provided in this act, shall be held and conducted, and the qualifications of the voters at the

Election called for extension of city limits of Hickory to embrace West Hickory and Highland.

Reference to new boundaries.

Question to be submitted to voters.

Date of election.

Qualifications of voters.

election be determined, in accordance with the general law relating to election of members to the General Assembly of North Carolina. The voters in said election shall be duly qualified persons who have been residents of the State of North Carolina for one (1) year, and of the city or territory proposed to be annexed for four (4) months immediately preceding the election. The Registration books shall be kept open during a period of thirty days and in the same manner as the general law now provides for the registration of voters. The registrars in the four precincts hereinafter described shall be present at the voting places of their respective precincts on each Saturday during the period, prior to the election, where the books for the registration of voters are required to be kept open. The Catawba County Board of Elections shall appoint a registrar and two judges for each precinct, and shall publish a notice of said registration for thirty days in a newspaper published in the City of Hickory.

Registration.

Appointment of election officials.

Notice of registration.

Territory divided into four precincts.
Boundaries.

SEC. 4. That for the purpose of an election, the territory of Greater Hickory, as hereinbefore described, is hereby divided into four precincts as follows: The portion of said territory situated south of the Southern Railway and east of a line drawn due south through the center of the Post Office of the City of Hickory to the southern boundary of the proposed territory is Precinct number two: the territory situated west of the said line is Precinct number three: the territory situated north of the Southern Railway and west of a line drawn due north through the center of said Post Office to the northern boundary of Greater Hickory is Precinct number four: and the territory situated north of said Railway and east of said line is Precinct number one.

Ballots.

SEC. 5. That at such election, those voters who favor extending the city limits shall vote ballots on which shall be printed the words, "For Extension": and those opposed shall vote ballots on which shall be printed the words, "Against Extension". If a majority of the votes cast shall be "For Extension", then from and after the first day of September, one thousand nine hundred and thirty-one, the corporate limits of said City of Hickory shall be extended as herein provided. If a majority of the votes cast shall be "Against Extension", there shall be no extension of the corporate limits as the result of such election. The County Board of Elections shall declare the result of the election and certify it to the Council of the City of Hickory who shall cause it to be entered upon its records.

Date of annexation.

Declaration of result of election.

If election fails to carry, new election may be called after twelve months or on petition of 25 per cent of voters.

SEC. 6. In the event a majority of the votes shall be against extension, the question of the extension of the City limits shall not be re-submitted to a vote within twelve months of the time of said election; but at any time thereafter, if twenty-five per

cent of the qualified voters of the City of Hickory, or twenty-five per cent of the qualified voters of said proposed additional territory shall sign a petition, addressed to the City Council of Hickory, asking that another election be held to determine whether such territory shall be added to and become a part of the City of Hickory, then it shall be the duty of the Council to request the Board of Elections of Catawba County to order another election and submit the question of extension of the corporate limits of said City. Any subsequent elections shall be held in accordance with the general laws applicable to the election of members for the General Assembly of North Carolina, and in accordance with the provisions of this act.

Rules of subsequent elections.

SEC. 7. If the majority of the votes cast shall be for extension, then all of the property, real and personal, of said towns, or of either of them, shall pass to and vest in said City of Hickory, and thereafter shall be common public property held for the use and benefit of the enlarged municipality; and the Secretary and Treasurer of the Town of West Hickory, and the Secretary and Treasurer of the Town of Highland shall file with the City Council of Hickory a complete, itemized, detailed statement, certified by a registered Public Accountant, of all outstanding indebtedness and liability which their respective towns are obligated to pay, whether as bonds, interest, notes, open accounts, salary, labor or any other work, and such indebtedness and liability shall become an indebtedness and liability of the City of Hickory to the same extent as it was of said towns.

Transfer of all property of annexed territory to City of Hickory.

Statement of indebtedness of annexed territory.

City to assume same.

SEC. 8. All taxes due by the property owners to the Town of West Hickory or the Town of Highland, at the time the corporate limits of Hickory are extended as herein provided, shall be collected by the City Manager of Hickory under the same rules, regulations and the same authority of distress and levy upon property, personal and real, as is now or may be given to the City of Hickory.

Collection of taxes in annexed territory.

SEC. 9. After the extension of the city limits as herein provided, the City Council of Hickory shall, for the purpose of raising revenue or paying the indebtedness, liabilities and expenses incident and necessary for the government of the Greater City of Hickory, annually levy a uniform ad valorem tax on all real and personal property within the entire limits of the city as extended.

Levy of uniform ad valorem tax on new territory.

SEC. 10. In the event the proposed territory shall be embraced in the corporate limits of the City of Hickory, under the provision of this act, the City so consolidated shall before the next annual municipal election, be divided by the City Council into six (6) wards of equal population, or as nearly so as possible. The Board of Aldermen of the Town of Highland is hereby

Division of city into six wards.

Representation of
new territory on
City Council.

authorized and empowered to choose by majority vote of its body a member of the Council of Greater Hickory to serve for the time elapsing between the going into effect of this act and the next municipal election; and the Board of Aldermen for the Town of West Hickory, by a majority vote of its own body, is also authorized to elect a member of the City Council of Greater Hickory to serve for said time.

Taking of new
census.

SEC. 11. Upon the extension of the city limits as herein provided, the City Council, including the two members elected as hereinbefore stated, shall cause a census to be taken of Greater Hickory and shall divide the City of Hickory into six (6) wards as hereinbefore stated. Thereafter all Councilmen shall be nominated and chosen by wards and not at large as now provided by the City of Hickory's charter, but the Mayor shall be nominated and elected at large as heretofore. The qualified voters of each city ward shall, at the time provided by law and following the provisions of the charter of Hickory, nominate and elect their respective members of the Council, and the City Manager, in his published notice of calls for the election, shall designate a voting place in each ward of the City.

Election of Coun-
cil by wards and
Mayor at large.

Councilmen now
in office not be
disturbed.

SEC. 12. The division of the City into wards shall not affect the terms in office of those persons who are members of the City Council at the time of the extension of the City limits, and the City Council, including the two new members, shall designate three wards which shall thereafter elect their respective members of the City Council in odd years, and three wards which shall thereafter elect their respective members in even years; and the City Council shall also designate the new ward whose first member shall be elected to serve a term of only one (1) year. Thereafter all members of the City Council shall be elected to serve for a term of two years.

Interim selection
of additional
Councilmen from
new territory.

Term of office of
councilmen.

Ch. 68, Private
Laws 1913,
amended.

SEC. 13. Section eighteen, of Article two of Chapter sixty-eight, of Private Laws of one thousand nine hundred and thirteen, known as the Charter of the City of Hickory, is hereby amended by striking out all after the word "elected" in the second sentence, and in lieu thereof inserting the following: "The City Council may, by majority of vote, fill the vacancy so created until the next regular election."

Vacancy appoint-
ments to Council.

Quorum of
Council.

SEC. 14. In the event the corporate limits of the City of Hickory shall be extended as hereinbefore provided, four (4) members shall constitute a quorum of the City Council of Hickory to transact business, and three (3) members may adjourn from day to day and compel the attendance of absent members.

SEC. 15. The fiscal year of the City of Hickory shall begin on the first of September and end on the last day of the following August.

Fiscal year.

SEC. 16. All laws or parts of laws in conflict with the provisions of this act are hereby repealed; but the repeal of the laws incorporating the towns of West Hickory and of Highland, including amendments thereto, shall in no way or manner be understood or taken as invalidation of any bonds or other obligations outstanding against either of said towns at the time the corporate limits are enlarged, as herein provided.

Conflicting laws repealed.

SEC. 17. This act shall be in force and effect from and after its ratification.

Outstanding obligations of new territory not impaired.

Ratified this the 3rd day of March, A.D. 1931.

CHAPTER 42

AN ACT TO REPEAL SECTION TEN OF CHAPTER ONE HUNDRED TWENTY, PRIVATE LAWS OF NINETEEN HUNDRED NINETEEN, RELATING TO THE APPOINTMENT OF A BOARD OF TRUSTEES, AND PROVIDING FOR ELECTION OF SCHOOL TRUSTEES OF THE BOARD OF SCHOOL TRUSTEES OF ROANOKE RAPIDS BY THE QUALIFIED VOTERS OF THE ROANOKE RAPIDS GRADED SCHOOL DISTRICT UPON THE EXPIRATION OF THE TERMS OF OFFICE OF THE TRUSTEES HEREIN APPOINTED.

The General Assembly of North Carolina do enact:

SECTION 1. That section ten, Chapter one hundred and twenty, Private Laws of North Carolina, Session one thousand nine hundred and nineteen, be, and the same is hereby repealed and the following enacted as a substitute therefore:

Ch. 120, Private Laws 1919, amended.

“Section 10. That W. L. Manning, Dr. T. W. M. Long, R. L. Towe, W. D. Tillery, J. T. Chase, T. W. Mullen, L. S. Cannon, J. R. Allsbrook and A. N. Martin are hereby appointed and constitute a Board of Trustees for the graded schools of said district, who shall serve without compensation. The first three named shall hold their office until the first Monday in November, nineteen hundred and thirty-one, the second three named until the first Monday in November, nineteen hundred and thirty-three, and the third three named until the first Monday in November, nineteen hundred and thirty-five. On the first Tuesday after the first Monday in October, nineteen hundred and thirty-one, there shall be elected by the qualified voters of the Roanoke Rapids Graded School District three school trustees to fill the vacancies caused by the expiration of the terms of the first three

Appointment of Trustees of Roanoke Rapids Graded School District.

Serve without pay.

Expiration of terms of office.

Election of three Trustees every two years.

trustees hereinbefore named, and each two years thereafter on the first Tuesday after the first Monday in October there shall be elected a sufficient number of trustees to fill the vacancies occurring by reason of the expiration of the terms of office of the trustees herein appointed and to be hereafter elected. The terms of office of all trustees and their successors elected hereunder shall be for a term of six years. In all elections held under this act the mayor and the board of town commissioners shall designate the polling place or places, appoint the registrars and judges, and canvass and judicially determine the results of said election when the returns have been filed with them by the officers holding the election, and shall record such determination on their records. The notice of the election shall be given by publication at least three times in some newspaper published or circulating in the district. A new registration of the qualified voters of the district shall be ordered by the mayor and board of town commissioners, and a notice of said new registration shall be deemed to be sufficiently given by publication once in some newspaper published or circulating in said district at least thirty days before the close of the registration books. Such published notice of registration shall state the dates on which the books will open for registration of voters and the place or places on which they will be open on Saturday. The books of such new registration shall close on the second Saturday before the election. The Saturday before the election shall be challenge day, and except as otherwise provided in this act such election shall be held in accordance with the same rules, laws and regulations governing the election of municipal officers in the town of Roanoke Rapids and the holding of municipal elections in the town of Roanoke Rapids shall be and are hereby extended to that portion of said school district lying without the corporate limits of said town, as fully as if the same lay within said corporate limits, and that in all elections held under this act, the portion of said school district lying without the said limits shall be deemed a ward of said town. The ballot to be cast and all other details of said election shall be fixed by the mayor and the board of town commissioners. The trustees so elected shall qualify and their term of office shall begin the first Monday in November immediately following their election on the first Tuesday after the first Monday in October in the year in which the election to their respective offices shall be held. The successors in office of the respective trustees herein appointed and to be hereafter elected shall be elected at an election to be held on the first Tuesday after the first Monday in October every two years thereafter under the same rules and regulations as hereinbefore provided, such election to elect successors to the trustees whose terms expire during that year."

Terms of office of newly elected Trustees, 6 years.

Details of elections.

Notice of election.
Publication of notice.
New registration.

Challenge day.

Laws applicable.

Territory outside corporate limits made election ward.

Commencement of term of Trustees elected.

Time of first election.

SEC. 2. That the said trustees herein appointed shall qualify and enter upon their duties as such trustees on the first Monday in April, nineteen hundred and thirty-one; the said first three trustees so elected shall qualify and enter upon their duties as such trustees on the first Monday in November, nineteen hundred and thirty-one, and the said trustees subsequently elected as hereinbefore provided shall qualify and enter upon their duties as such trustees on the first Monday in November next following their election on the second Monday after the first Monday in October of that year and the trustees herein appointed together with those trustees respectively elected upon the expiration of the terms of the appointed trustees and their successors as hereinbefore provided shall have all the powers, authorities and duties conferred and imposed upon the trustees now acting as Trustees of the said Roanoke Rapids Graded School District.

Time of taking office.

Powers and duties.

SEC. 3. That the said Trustees herein provided for shall, at their first meeting, elect from among their number a Chairman who shall serve for the two following years, and that thereafter at the first meeting after each election they shall elect a Chairman to serve for the two following years.

Selection of Chairman biennially.

SEC. 4. All vacancies in said Board of Trustees caused by death, resignation, removal from the district or otherwise shall be filled by the remaining members of the board and the person so chosen shall fill and serve out the unexpired term when his successor shall be duly elected.

Vacancy appointments.

SEC. 5. That the expenses of the elections herein provided for shall be paid from the general funds of the Board of School Trustees of Roanoke Rapids.

Expenses of election, how paid.

SEC. 6. That the trustees of the Board of School Trustees of Roanoke Rapids now holding office shall serve with the same powers, duties and authorities as now held and exercised by them until the trustees herein provided for shall have been qualified.

Powers and duties of present Trustees.

SEC. 7. That nothing in this act shall be construed to change to change or alter the said Roanoke Rapids Graded School District, or the duties or powers of its trustees, except the manner of their election, the time of their election and the term of their office.

District otherwise unaffected.

SEC. 8. That all persons residing within the limits of the said Roanoke Rapids Graded School District qualified to vote in the general State and County elections shall be considered as qualified voters in the elections herein provided for trustees.

Qualifications of voters.

SEC. 9. The names of all persons who shall be voted on for a trustee shall be filed with the Registrar of the election at least five days before the election. Any person may file in person or his name may be filed by any qualified voter. The three persons

Filing with Registrar names of candidates.

Three highest are elected.

receiving the highest votes cast shall be declared to be elected for a term of six years.

Existing contracts of District unaffected.

SEC. 10. That nothing in this act shall be construed to violate any contract made by or with the Board of School Trustees of Roanoke Rapids as heretofore existing under Chapter one hundred and twenty, Private Laws of one thousand nine hundred and nineteen.

Constitutional parts of Act upheld.

SEC. 11. If any section, clause or sentence of this act shall be declared invalid, no other section, clause or sentence of said act shall be affected thereby.

Conflicting laws repealed.

SEC. 12. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 13. That this act shall be in force and effect from and after its ratification.

Ratified this the 4th day of March, A.D., 1931.

CHAPTER 43

AN ACT TO EXTEND THE TIME FOR PAYMENT OF STREET ASSESSMENTS IN THE CITY OF HENDERSONVILLE.

The General Assembly of North Carolina do enact:

Time for paying street and sidewalk assessments in Hendersonville extended so as to be paid in 20 equal annual installments beginning July 31, 1931.

SECTION 1. That the time for payment of all assessments heretofore levied by the Commissioners of the City of Hendersonville against abutting property owners for and on account of paving, grading or otherwise improving any of the public streets or sidewalks in the City of Hendersonville, is hereby extended so as to be payable in twenty equal annual installments beginning July first, nineteen hundred and thirty-one. The amount of said installments shall draw interest from July first, nineteen hundred and thirty-one, at the rate of six per centum per annum, *provided*, that if any property owner or other person legally liable therefor shall fail to pay any of said installments or interest as the same becomes due as provided for in this act, the Board of Commissioners of said City of Hendersonville may, at its option, declare the whole of said assessments and interest accrued thereon immediately due and payable, and may proceed to enforce collection of said assessments by the sale of the real estate against which said assessments have been levied in the same manner and under the same laws as real estate is sold for unpaid city taxes. The whole assessment may be paid at any time by the payment of principal and all interest accrued to that date.

To draw interest.

Acceleration of all payments provided in event of default.

Payment of whole assessment permitted.

Compilation of all assessments now due ordered, with interest computed to July 1, 1931.

SEC. 2. That it shall be the duty of the Board of Commissioners of the City of Hendersonville, as soon as practicable

after the ratification of this act and before the first day of July, one thousand nine hundred and thirty-one, to cause to be compiled the amounts and accrued interest on all uncollected assessments heretofore levied against property owners on account of paving, grading or otherwise improving any of the public streets or sidewalks of the City of Hendersonville, said uncollected assessments and interest to be computed to the first day of July, one thousand nine hundred and thirty-one, and thereafter the total amount of said assessments and interest accrued thereon shall be paid by the property owners against which said assessments have been made in twenty equal annual installments beginning July first, one thousand nine hundred and thirty-one, and thereafter said assessments and interest as so computed shall draw interest at the rate of six per centum per annum.

SEC. 3. That as soon as said assessments have been computed as hereinbefore provided, the City Clerk shall prepare an assessment roll and record the same in a well bound book styled "Special Assessment Book" which shall be ruled so as to conveniently show:

1. Name of such property.
2. Number of lot or part of lot as shown on the tax sheets.
3. The frontage of such lot.
4. Amount that has been assessed against said lot.
5. Amount of such installment and the date on which the installments shall become due.

Such book shall be indexed according to the names of the owners of the property, and entries of all payments or partial payments shall be immediately entered upon said book when made, and said book shall be open to public inspection.

SEC. 4. That the amount of said assessments shall continue as heretofore to be a lien against the property so assessed and this act shall not be construed as in any manner impairing the validity of the lien aforesaid.

SEC. 5. That all provisions of the charter of the City of Hendersonville and general laws of the State applicable to said assessments or the enforcement thereof shall remain in full force and effect, except to the extent as the same may be modified by this act.

SEC. 6. That nothing contained in this act shall be construed to effect any assessments heretofore paid, or where payment has been provided for by securities, assignments or otherwise.

SEC. 7. That all laws or parts of laws in conflict with this act be and the same are hereby repealed.

SEC. 8. That this act shall be in force from and after its ratification.

Ratified this the 4th day of March, A.D., 1931.

"Special Assessment Book" to be prepared.

Contents.

Book to be indexed.
Record of payments to be kept.

Lien of assessments unimpaired.

Charter and general laws unaffected.

Assessments paid or secured unaffected.

Conflicting laws repealed.

CHAPTER 44

AN ACT TO AMEND CHAPTER THREE HUNDRED EIGHTY-TWO PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THREE RELATING TO THE SINKING FUND OF THE CROSS CREEK GRADED SCHOOL DISTRICT AND ITS SUCCESSOR.

The General Assembly of North Carolina do enact:

Ch. 382, Public
Laws 1903,
amended.

Investment of
sinking fund in
Cross Creek
Graded School
District.

Conflicting laws
repealed.

SECTION 1. That Chapter three hundred and eighty-two Public Laws of one thousand nine hundred and three be amended by changing the period at the end of Section thirteen to a comma, and by adding thereafter the following: "Or to invest same in United States bonds, North Carolina bonds, or other approved county and municipal bonds, including bonds issued by the Cross Creek Graded School District and its successor by whatever name called."

SEC. 2. That all laws and clauses of laws in conflict herewith be and they are hereby repealed to the extent of such conflict.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 4th day of March, A.D., 1931.

CHAPTER 45

AN ACT TO REVISE, CONSOLIDATE AND AMEND THE CHARTER OF THE TOWN OF CHAPEL HILL.

The General Assembly of North Carolina do enact:

Inhabitants of
Chapel Hill de-
clared to be body
politic.

Property rights of
town.

Disposition of
property.

SECTION 1. That the inhabitants of the Town of Chapel Hill in Orange County, shall be and continue as they have been, a body politic and corporate, under the name and style of the Town of Chapel Hill, and as such the corporation is hereby vested with all the property and rights of property which now belong to the corporation, under any other names or name, and in this name may acquire and hold such estate in lands and property as may be devised, bequeathed, sold to, or in any manner conveyed to it or acquired by it, and may from time to time, under the general law governing municipal corporations, invest, sell or dispose of any said lands or property, including lands and property held for municipal purposes, and under said name shall have power to contract and be contracted with, to sue and be sued, and shall have all the powers, rights and privileges now or hereafter conferred upon municipal corporations by the general law of the State, including powers, rights and privileges necessary or belonging to or usually appertaining to municipal corporations, or appropriate to the exercise of the powers now

or hereafter conferred on municipal corporations by the general law of the State.

SEC. 2. That the territory embraced within the following boundaries shall, from and after the ratification of this act, constitute the boundaries of the Town of Chapel Hill: Beginning at a stone post six hundred (600) yards Northwesterly from the intersection of the center line of Franklin Street and the west boundary line of Merritt Street; in a line at right angles to the main part of Franklin Street; thence two thousand six hundred and twenty-two (2,622) yards in a Northeasterly direction parallel to the main part of Franklin Street to a marked stone and pointers; thence in a Southeasterly direction at right angles to the main part of Franklin Street fifteen hundred and forty-nine (1,549) yards to a marked stone and pointers; thence two thousand six hundred and twenty-two (2,622) yards in a Southwesterly direction parallel to the main part of Franklin Street to a marked stone and pointers; thence Northwesterly fifteen hundred and forty-nine (1,549) yards at right angles to the main part of Franklin Street to the beginning.

New boundaries
of town.

SEC. 3. That the governing body of the Town of Chapel Hill shall consist of a mayor and six aldermen, who shall exercise the corporate powers of said town, and provide by ordinance, rule or resolution for the proper and efficient management of said town. They shall have and exercise all powers now or hereafter conferred upon governing bodies of municipalities by the general law of the State.

Governing body
of Mayor and
6 Aldermen.

Powers and
duties.

SEC. 4. The mayor of the town of Chapel Hill shall hold office for a term of two years and until his successor is elected and qualified. He shall be elected biennially. Aldermen shall be elected for a term of four years, and shall hold office until their successors are elected and qualified; the Judge of the Recorder's Court shall be elected biennially and hold office until his successor is elected and qualified. Biennially, beginning on Tuesday after the first Monday in May, one thousand nine hundred and thirty-one, there shall be held an election which shall be conducted in the manner provided for by the general law of the State governing elections in municipalities for the purpose of electing a mayor and three aldermen for the terms herein set forth, to succeed the mayor and aldermen whose term of office expires at such time. If there shall become a vacancy in any office due to the death, resignation or otherwise, of the mayor, Board of Aldermen or any office to which the Officer is elected by a popular vote of the people, the Governing Board shall elect a successor to fill the vacancy until the next regular municipal election at which time a person shall be elected by a vote of the qualified voters to fill the unexpired term of the officer whose

Term of office of
Mayor and biennial
election.
Aldermen.

Judge of Re-
corders' Court.

Details of biennial
election.

Vacancy appoint-
ments.

Present officers
unaffected till
May, 1931.

office shall have been vacated. Until Tuesday after the first Monday in May, one thousand nine hundred and thirty-one, the present governing body shall remain, be and constitute the governing body of the town.

Official ballot.

SEC. 5. The names of any candidate for mayor or aldermen of the town of Chapel Hill shall be printed upon an official ballot: *Provided*, there is filed with the Town Clerk, not less than five days previous to the holding of such election, the names of such candidate and the office for which he is candidate. The official ballot shall be in such form as the board of aldermen may determine, and shall bear instructions to the voter as to the number of candidates to be voted for and the method of designating his choice. Nothing herein shall be construed as preventing any qualified elector from becoming a candidate for any office at any election, but unless the notice of such candidacy shall be filed with the Clerk as herein provided, such candidate shall, at his own cost and expense, prepare ballots bearing his name.

Instructions on
ballot.

Candidates.

Meetings of gov-
erning body.

SEC. 6. The governing body at its first meeting after the election, or as soon thereafter as convenient, shall fix stated dates for the meetings, which shall be not less than once in every calendar month, and shall provide by resolution for the calling of special meetings whenever same may become necessary; they shall appoint a Clerk and a Treasurer, and in their discretion may appoint the same individual to fill both offices, who shall hold office at the will of the Board, fix the compensation to be paid such officers and the amount of bond to be furnished by them.

Appointment of
Clerk and Treas-
urer.
Compensation.

Appointment of
City Manager.

SEC. 7. The Governing Body shall appoint a City Manager, who shall be the administrative head of the City Government, and shall be responsible for the administration of all departments. He shall be appointed with regard to merit only, and he need not be a resident of the Town when appointed. He shall hold office during the pleasure of the Governing Body and shall receive such compensation as it shall fix by ordinance: *Provided*, the Governing Body may in its discretion appoint the Mayor City Manager. Orders to the employees of the Town shall be given only through and by the City Manager.

Qualifications.

Compensation.

Mayor may serve.

Powers and duties
of City Manager.

SEC. 8. The City Manager shall: (1) be the administrative head of the municipal government; (2) see that within the town the laws of the State and the ordinances, resolutions, and regulations of the governing body are faithfully executed; (3) attend all meetings of the Board of Aldermen, and recommend for adoption such measures as he shall deem expedient; (4) make reports to the governing body from time to time upon the affairs of the town, keep the governing body fully advised of the town's financial conditions and its future financial needs;

(5) he shall, under the control of the Governing Body, supervise the work of all heads of departments, superintendents, and other employees of the town, unless otherwise provided herein.

SEC. 9. Such officers and employees as the Governing Body shall determine are necessary to the Town, including the Prosecuting Attorney and Clerk of the Recorder's Court, shall be appointed by the City Manager, by and with the advice and approval of the Governing Body, and any such officers or employees may be removed by him; but the City Manager shall report to the Board of Aldermen at their next meeting every such removal for such Board's approval or rejection, and the action of the said Board thereon shall be final. The officers and employees of the Town shall perform such duties as may be required of them by the City Manager under general regulations of the Governing Body.

City Manager to appoint subordinate officers and employees by consent of governing body.

Removal for cause.

SEC. 10. The general powers of the town shall especially include those powers conferred upon municipal corporations by sections two thousand six hundred and twenty-three (2,623) and two thousand seven hundred and eighty-seven (2,787) of the Consolidated Statutes of the State of North Carolina, but the granting of such powers herein shall not be construed as a limitation, but the said town shall have all powers now or hereafter conferred by the general law of the State of North Carolina, and shall especially have the power of acquiring property by condemnation of the same for public uses, such acquisition to be made in the same manner and under the same procedure as is provided under article two (2) of Chapter thirty-three (33) of the Consolidated Statutes entitled, "Eminent Domain."

General law applicable as to powers of town.

Power of condemnation.

SEC. 11. That in the absence of any contracts with said town in relation to the lands used or occupied by it for the purpose of streets, sidewalks, alleys, or other public works of said town signed by the owner or owners thereof, or his agent, it shall be presumed that the said land has been granted to the said town by the owner or owners thereof, and said town shall have good right and title thereto, and shall have, hold and enjoy same. Unless the owner or owners of said land, or those claiming under them shall make claim or demand, in writing addressed to the Board of Aldermen, for compensation within two years next after said land was taken, he or they shall be forever barred from recovering said land or having any compensation therefor: *Provided*, nothing herein contained shall affect the right of femes covert or infants until two years after the removing of their disabilities.

Presumption as to grant to town of lands used for public purposes.

Claim for compensation to be made by owners of lands.

SEC. 12. (1) For the purpose of raising revenue for defraying the general expenses incident to the proper government of the municipality, the Board of Aldermen shall have the power

Levying of taxes: for general expenses.

- Not exceeding \$1 per \$100.
\$1 on poll.
- Taxes for debt service.
- Orange County tax abstracts may be used in town.
- Enforcing payment.
- Franchise and privilege taxes.
- Taxes on shows and exhibitions and dogs.
- Graduation of certain taxes.
- Levy and collection of sewer rental.
- Lien against property.
- Taxes laid as of August 1 of each year.
- Discounts and penalties.
- General law applicable.
- to levy and collect an annual ad valorem tax on all taxable property within the municipality, at a rate not exceeding one dollar on the one hundred dollars of said valuation of property, and one dollar on each poll, notwithstanding any other law, general or special, heretofore or hereafter enacted, except a law hereafter enacted expressly repealing or amending this section; (2) and shall annually levy and collect a tax ad valorem and without limitations as to the amount, upon all the taxable property within the municipality sufficient to pay the principal and interest of all bonds of the town now outstanding or which may hereafter be issued, as such principal and interest becomes due; (3) for the purpose of levying the tax on property located within the corporate limits of the Town of Chapel Hill, the tax abstracts made for the County of Orange, may be used by the Town of Chapel Hill, insofar as they apply to property situated within the Town and the Town shall have the right to force a collection on these taxes in the same manner as if a separate listing of property was had for the Town; (4) and may annually lay a tax on all trades, professions and franchises carried on or enjoyed within the Town, unless otherwise provided by law; (5) and may lay a tax on all shows and exhibitions for reward and on all dogs as are taxed by the General Assembly. The Governing Body shall have the power to graduate any of the License Taxes on trades, professions, franchises or any subject of taxation by dividing same into classes, but said taxes shall be uniform to all or any class.
- SEC. 13. The governing body shall have the authority to charge and collect a sewer rental or fee on all houses connected with the municipal sewer system, and to levy special assessments as is provided by the General Law, which rentals and assessments are hereby declared a Lien against the property served and the officer charged with the collection of the same shall have the power to collect by distress and sale as provided herein for the collection of ad valorem taxes.
- SEC. 14. On or before the first day of August of each year the Board of Aldermen shall lay and extend for collection the taxes on such subjects of taxation as are allowed by law. On all taxes paid on or before the tenth day of December, there shall be allowed a discount of one per cent; all taxes paid after the tenth day of December and before the eleventh day of January shall be payable net; and on all taxes unpaid on the eleventh day of January there shall be added a penalty of one per cent, and a like penalty for all taxes unpaid on the eleventh day of each calendar month thereafter. Except as herein otherwise provided, the General Law of the State governing the levy and collection of municipal taxes, and the duties of the officer charged therewith shall apply in the Town of Chapel Hill.

SEC. 15. That if any person liable for taxes on subjects to be listed shall fail to pay them on or before the first day of May of the year next succeeding the day of listing, the officer charged with the collection of taxes shall proceed forthwith to collect the same in the manner authorized for the collection of County Taxes.

Sale of property for taxes.

SEC. 16. The Town of Chapel Hill may issue its Negotiable Bonds or Notes for any or all purposes authorized by the General Law of the State, and such Notes or Bonds shall be issued in accordance with and pursuant to the general law of the State then in effect governing the issuance of Notes and Bonds.

Issuance of bonds and notes.

SEC. 17. The Governing Body shall cause to be kept clean and in good repair the streets, sidewalks, and alleys of the Town. It may establish the width and ascertain the location of streets already provided, and may lay out and open others. It may also lay out, open and regulate public grounds or parks, and care for the same, and protect the shade trees of the Town. It may require the owner of or lessee of the land abutting upon any sidewalks to repair same at such owner's or lessee's expense, and to require that the same be kept in good passable condition; or it may require the owners of property to pave at their own expense, the sidewalks immediately fronting said lot, or upon the failure of the owner, after due notice to so pave such sidewalk, such work may be done by the Town, and the cost thereof assessed against the lot immediately abutting said sidewalk, and such assessment shall be a Lien against such abutting lot, collectible as and when the taxes for the next fiscal year are due.

Care of streets and sidewalks.

Parks and playgrounds.

Paving.

Assessments.

SEC. 18. That all ordinances, rules, resolutions and regulations of the Town of Chapel Hill in force at the time of taking effect of this act, not inconsistent with its provisions, shall continue in full force and effect until amended or repealed.

Present ordinance unaffected.

SEC. 19. That all laws and clauses of laws in conflict with this act are hereby repealed.

Conflicting laws repealed.

SEC. 20. That this act shall be in full force and effect from and after its ratification.

Ratified this the 4th day of March, A.D., 1931.

CHAPTER 46

AN ACT TO PROVIDE THE SUBMISSION TO THE QUALIFIED VOTERS OF THE TOWN OF LANDIS THE SALE OF ITS ELECTRIC LIGHT PLANT.

The General Assembly of North Carolina do enact:

SECTION 1. That the Commissioners or Board of Aldermen and their successors in office of the Town of Landis shall not have the right to sell, lease, or otherwise dispose of the electric light plant, transformers, wires, poles, meters, or anything per-

Sale of electric light plant in Landis prohibited without vote of people.

taining to the municipally owned electric light plant until the question of sale or other disposal of said plant shall be first submitted to the voters of the incorporated town of Landis, and such sale shall not take place unless ratified by a majority of the qualified voters of the town of Landis.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 4th day of March, A.D., 1931.

CHAPTER 47

AN ACT TO ALLOW THE GOVERNING BODY OF THE TOWN OF WEAVERVILLE IN THE COUNTY OF BUNCOMBE TO AID IN RE-OPENING THE FARMERS AND TRADERS BANK OF WEAVERVILLE.

The General Assembly of North Carolina do enact:

Town of Weaverville authorized to aid in re-opening Farmers and Traders Bank by freezing deposits.

SECTION 1. That the Governing Body of the Town of Weaverville be, and they are hereby, authorized, in their discretion, to enter into a contract with the Farmers and Traders Bank of Weaverville, in the event that said Bank is permitted to re-open by the Corporation Commission, whereby the funds of said Governing Body of the Town of Weaverville on deposit in said Bank at the time of its suspension of business, may remain in said Bank and not be withdrawn except at certain stated times and intervals to be mutually agreed upon by and between the Board of Directors of said Bank and the Governing Body of the Town of Weaverville.

Collateral now held unaffected.

SEC. 2. That the Governing Body of the Town of Weaverville shall retain the collateral and/or any guaranty it now holds securing its deposit in said Bank at the time said Bank suspended; *provided, however*, that as such collateral is collected by the said Governing Body of the Town of Weaverville, the amount so collected shall be credited against the deposit for which the collateral was given as security; *provided, further*, that nothing in this act shall relieve said Bank, or any guarantors, upon any bond or contract heretofore executed to guarantee the deposits heretofore placed in said Bank, nor shall it relieve said Bank from its duty to allow withdrawal of deposits in accordance with the terms and conditions of any contract which may be entered into pursuant to the provisions of this act.

Collection of security and application of proceeds.

Guarantors of deposits not relieved.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of law in conflict with this act be, and they are hereby, repealed.

SEC. 4. That this act shall be in full force and effect from and after its ratification.

Ratified this the 5th day of March, A.D., 1931.

CHAPTER 48

AN ACT RELATING TO THE DUTIES OF THE CLERK OF THE TOWN OF SCOTLAND NECK RELATIVE TO THE COLLECTION OF TAXES AND OTHER LEGAL ASSESSMENTS.

The General Assembly of North Carolina do enact:

SECTION 1. The Clerk of the Town of Scotland Neck shall have the same power to collect the taxes and other legal assessments, imposed by the Commissioners of said town, or required by law to be collected, as sheriffs have to collect the taxes imposed by the County Commissioners; and he is hereby vested with the same power and authority that is given by the State to Sheriffs for like purpose, and shall be subject to the same fines and penalties on failure or neglect of duty. He shall give such bond as is now required of tax collectors for the faithful performance of his duties.

Powers of Town Clerk of Scotland Neck in matter of collecting taxes.

To give bond.

SEC. 2. All acts of any Clerk of the town of Scotland Neck in the collection of taxes and other legal assessments, and all receipts given by any such Clerk for taxes collected or for other legal assessments collected, and all sales of real or personal property heretofore made by any such clerk as tax collector, under authority from the Board of Commissioners of said town, for non-payment of taxes or other legal assessments, are hereby validated; and all deeds heretofore executed by any clerk of said town, as tax collector, for non-payment of taxes or other legal assessments, are hereby validated and declared to be of the same force as if signed by the sheriff, town Constable, or other duly authorized tax collector.

All prior acts of Town Clerk in tax matters validated.

Sales validated.

Also tax deeds.

SEC. 3. All laws and clauses of laws to the extent that they are inconsistent with this Act are repealed.

Conflicting laws repealed.

SEC. 4. Nothing contained in this Act shall affect pending litigation.

Pending litigation unaffected.

SEC. 5. This Act shall be in effect from and after its ratification.

Ratified this the 5th day of March, A.D., 1931.

CHAPTER 49

AN ACT FOR THE RELIEF OF LAND OWNERS OF THE TOWN OF MOUNT HOLLY, NORTH CAROLINA, EXTENDING THE TIME TO ENFORCE LIEN, COLLECTION AND COMMENCE ACTION FOR LOCAL IMPROVEMENT ASSESSMENTS.

The General Assembly of North Carolina do enact:

SECTION 1. That the lien given to the Town of Mount Holly, North Carolina, on land of any owner, along its streets, for paving streets or sidewalks, or for any other local improvements,

Street paving assessments in Mount Holly extended for seven years from completion of work.

authorized under chapter fifty-six of the Public Laws of one thousand nine hundred and fifteen of North Carolina, and ordinances or resolutions in pursuance of the same, shall be extended for a period of seven years from the completion of the work for which the lien is given, and the assessment or charge made; and the collection of the assessment or charge, and any action to enforce said lien or the collection of such assessment or charge, may be commenced within seven years next after the completion of the work for which the lien is given, and the assessment or charge made.

Action to enforce lien may be commenced within seven years.

SEC. 2. That this Act shall be in force from and after its ratification.

Ratified this the 6th day of March, A.D., 1931.

CHAPTER 50

AN ACT TO AMEND CHAPTER TWO HUNDRED FOUR PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED TWENTY-THREE RELATING TO THE ELECTION OF SCHOOL TRUSTEES FOR CANTON GRADED SCHOOL DISTRICT, AND ALSO RELATING TO THE TREASURER OF SAID DISTRICT.

The General Assembly of North Carolina do enact:

Ch. 204, Private Laws 1923, amended.

Five Trustees of Canton Graded School District to be elected.

Qualifications.

Details of election.

Expense of election. Registration.

SECTION 1. That Section Four of Chapter Two Hundred Four Private Laws of the session of One Thousand Nine Hundred Twenty-Three be, and the same is hereby, amended as follows: That the Board of Trustees of Canton Graded School District, as said district was enlarged and as it now exists, shall be composed of five members, and that the present Board of Trustees shall serve as Trustees of the enlarged District until their present terms expire. That the members of said Board of Trustees may be either male or female, and shall be qualified electors of said District as enlarged and is it now exists. That as the terms of any members expire, their successors shall be elected by the qualified voters of said District at the same time that the election is held for officers for the Town of Canton, and that the same registrars and judges and other officials that hold the Town election may hold the election for said Trustees, and that the registrars and judges of said election shall be appointed by the Board of Aldermen of the Town of Canton in the same manner as for holding the Town election, and that the expense of said election shall be paid out of the funds of said District. That the registration books used in the Special election in said District on the 1st day of October, One Thousand Nine Hundred Twenty-nine, may be used for said election, and the qualified

electors on said books shall be and constitute the qualified electors for said election, *provided* that the books shall be open for the registration of electors preceding the election as provided in the general election laws for the registration of voters; *provided* that if it is necessary in order to properly hold said election for said District, the Board of Aldermen of the Town of Canton may call a new registration of said District.

SEC. 2. That the Treasurer of the Town of Canton shall be ex-officio Treasurer of said Canton Graded School District as enlarged and as it now exists, and may receive such salary, in addition to that paid by the Town of Canton, as the Board of Trustees of said District may fix from time to time, and that said salary and the premium on the bond of said Treasurer shall be paid out of the funds of said District.

SEC. 3. That the Board of Aldermen of the town of Canton is hereby directed, authorized and empowered to levy and collect a sufficient amount of tax not exceeding the authorized levy upon the taxable real and personal property in said school district for the operation and maintenance of the schools of the district and to pay the bonds and interest for which said district may be liable and said school district shall pay the expenses of the collection of said taxes. The tax collector of the town of Canton shall be the tax collector of said school district. The taxes so levied shall be and constitute a lien upon the property in said district as provided by law for other taxes and the tax collector as aforesaid in case of default in the payment of taxes shall foreclose and collect the same as provided for the collection of taxes under the general law; the action to be brought in the name of the tax collector. The tax collector shall make a weekly report to the Board of Trustees of said school district of the amount of taxes collected and at the same time shall pay over to said Trustee all moneys collected unless the Board of Trustees of said school district extends the time for said report. The tax collector shall keep an accurate set of books showing a complete list of all taxes, of the collection and disbursements thereof, and shall file a bond with proper surety in an amount to be approved by the Trustees of said school district to guarantee the delivery of all taxes collected to the school board and to otherwise faithfully discharge the duties of his office, which bond shall be filed with the Board of Trustees.

SEC. 4. That all laws and clauses of laws in conflict with this act be, and the same are hereby, repealed.

SEC. 5. That this act shall be in full force and effect from and after its ratification.

Ratified this the 6th day of March, A.D., 1931.

Aldermen may call new registration.

Town Treasurer to serve as school treasurer.

Salary.

Levy and collection of school tax.

Town Tax Collector to serve as collector of school taxes.

Foreclosure of school taxes.

Weekly report of tax collections.

Books and records.

Surety bond.

Conflicting laws repealed.

CHAPTER 51

AN ACT AMENDING CHAPTER TWO HUNDRED THIRTY-TWO OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-NINE, RELATING TO DISCOUNTS AND PENALTIES ON TAXES LEVIED BY THE CITY OF WINSTON-SALEM.

The General Assembly of North Carolina do enact:

Discounts and penalties on payment of taxes in Winston-Salem.

Discounts:

November, 1%.

December, $\frac{1}{2}$ %.

January and February, par.

Penalties:
March, 1%.

April, 2%.

May, 3%.

June, 4%.

July, 5%.

Ch. 232, Private Laws 1929, amended.

Preparation of assessment rolls and collection of taxes.

SECTION 1. All ad valorem taxes assessed and/or levied by the City of Winston-Salem, in accordance with law, shall be due and payable on the first Monday of November of the year in which so assessed and/or levied, and if actually paid in cash:

(a) On or before the first day of December next after due and payable, there shall be deducted a discount of one per cent.

(b) After the first day of December, and on or before the first day of January next after due and payable, there shall be deducted a discount of one-half of one per cent.

(c) After the first day of January, and on or before the first day of March next after due and payable, the tax shall be paid at par or face value.

(d) After the first day of March, and on or before the first day of April next after due and payable, there shall be added to the tax a penalty of one per cent.

(e) After the first day of April, and on or before the first day of May next after due and payable, there shall be added to the tax a penalty of two per cent.

(f) After the first day of May, and on or before the first day of June next after due and payable, there shall be added to the tax a penalty of three per cent.

(g) After the first day of June, and on or before the first day of July next after due and payable, there shall be added to the tax a penalty of four per cent.

(h) After the first day of July, and on or before the first day of August next after due and payable, there shall be added to the tax a penalty of five per cent.

SEC. 2. Section twenty-nine of Chapter two hundred thirty-two of the Private Laws of North Carolina is hereby amended so as to read as follows:

"That, as soon as the Tax Collector shall have furnished the assessment rolls, as provided, and the same shall have been issued by the Board, the Board of Aldermen shall proceed to levy the tax on such subjects of taxation as provided in the charter, and shall place the tax list in the hands of the Tax Collector, who shall collect the same as speedily as practicable, and shall pay the moneys as they are collected to the Treasurer.

The City Tax Collector shall, by virtue of his office, be vested with all power and authority within the City of Winston-Salem as is now vested in sheriffs."

Powers of Tax Collector.

SEC. 3. Section thirty-one of Chapter two hundred thirty-two of the Private Laws of North Carolina is hereby amended so as to read as follows:

Law again amended.

"That when the tax due on any lot or other land, which is hereby claimed to be a lien on the same, shall remain unpaid on the second day of August, and there is no other visible estate belonging to the person in whose name it is listed liable to distress and sale, or is known to the Collector, he shall report the fact to the Aldermen, together with a particular description of the real estate, and thereupon the Aldermen shall direct the same to be sold, subject to the rules and regulations and the law providing for the sale of land for taxes by the sheriff."

Sale of land for taxes after August 2 in each year.

SEC. 4. All laws and clauses of laws in conflict herewith are hereby repealed; *provided*, that all penalties incurred under any act which is wholly or partly repealed hereby shall not be affected by such repeal, but shall remain in full force and effect.

Conflicting laws repealed.

Exceptions.

SEC. 5. This act shall be in force and effect from and after its ratification, and the penalties herein provided shall apply to taxes assessed and/or levied for the year one thousand nine hundred and thirty, and all of its provisions shall apply to taxes assessed and/or levied in the year one thousand nine hundred and thirty-one, and subsequent years.

Applicable to 1930 taxes.

Ratified this the 6th day of March, A.D., 1931.

CHAPTER 52

AN ACT TO REENACT CHAPTER SEVENTEEN, PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND ELEVEN, RELATING TO THE CHARTER OF THE TOWN OF MARBLE, NORTH CAROLINA, AND TO REPEAL CHAPTER THREE HUNDRED AND THIRTY-FIVE, PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND FIFTEEN, AND CHAPTER ONE HUNDRED AND NINETY-SEVEN OF PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND SEVENTEEN.

The General Assembly of North Carolina do enact:

SECTION 1. That the inhabitants of all that territory in Cherokee County included within the boundary beginning on the Valley River at the mouth of the Rhea Creek and running with the meanders of the river to the Cynthia Valley ford; thence a north direction running with Plamer Lane to the foot of the

Incorporation of Town of Marble, re-enacting Ch. 17, Private Laws 1911.
Boundaries.

mountain; thence with J. Q. Adams road to the Irwindale ditch on the mountain side; thence with the meanders of the ditch a southwest direction to the old flume at the Rhea Creek; thence down said creek to the beginning, be and they are hereby incorporated under the name Marble.

Mayor and five
aldermen to
govern town.
Other officers.

SEC. 2. That the administration and government of said town shall be vested in its mayor and board of five aldermen, and such other officers as are provided for in chapter seventy-three, volume one of the Revisal of one thousand nine hundred and five.

General law ap-
plicable to town.

SEC. 3. That said town shall have all the rights, powers and privileges conferred upon cities and towns by chapter seventy-three, volume one of the Revisal of one thousand nine hundred and five, and be subject to the duties therein and thereby enjoined.

Appointment of
temporary officers.

SEC. 4. That until the first election and qualification of mayor and aldermen James H. Bryson, shall be mayor of said town and N. W. Abernathy, Richard Wilson, J. L. Webb, J. A. Parker and Joe H. Bryson shall be the aldermen thereof.

Ch. 335, Public-
Local Laws 1915;
and ch. 197, Pub-
lic-Local Laws
1917. repealed.

SEC. 5. That chapter three hundred and thirty-five of Public-Local Laws of one thousand nine hundred and fifteen and chapter one hundred and ninety-seven of Public-Local Laws of one thousand nine hundred and seventeen are hereby repealed.

Conflicting laws
repealed.

SEC. 6. That all laws and clauses of laws in conflict with the provision of this act are hereby repealed.

SEC. 7. That this act shall be in full force from and after its ratification.

Ratified this the 6th day of March, A.D., 1931.

CHAPTER 53

AN ACT TO AMEND THE CHARTER OF THE TOWN OF ROANOKE RAPIDS, IN HALIFAX COUNTY.

The General Assembly of North Carolina do enact:

Inhabitants of
Roanoke Rapids
declared body
politic with all
rights and powers
as such.

SECTION 1. The inhabitants of the city of Roanoke Rapids shall continue as they have heretofore been, a body, politic and corporate, under the name and style of "Roanoke Rapids," and by that name have perpetual succession, may sue and be sued, may contract and be contracted with, may acquire and hold all such property, real and personal, as may be devised, bequeathed, sold, or in any manner conveyed or dedicated to it, and may invest, sell or dispose of same, and may have a common seal and alter and renew the same at pleasure, and may have and exercise all the powers, rights and privileges necessary for its proper government or usually appertaining to municipal corporations.

Property rights.

SEC. 2. All property, real, personal and mixed, of whatsoever character and description, and wheresoever situate, now held, controlled or used by the town or city of Roanoke Rapids for any purpose and by the territory embraced within the boundaries described in Section Three hereof, or which may hereafter be held, controlled or used by said town or city or which may have been vested in said town or city by virtue of any laws of the State of North Carolina, and any and all judgments, liens, rights of liens and causes of action of any and all kinds in favor of said town of Roanoke Rapids shall vest, remain and inure to the said city of Roanoke Rapids, its successors and assigns; and no debts, obligations or bonds which now exist against said town shall be impaired or in any wise affected by the provisions of this act.

Town declared city as to property.

Obligations not impaired.

SEC. 3. That subject to an election to be held in the manner hereinafter provided, the corporate limits of the city of Roanoke Rapids, in Halifax County, shall be enlarged and extended so as to include all the territory within the following boundaries:

New corporate limits, subject to election.

Beginning at an iron stake located at the Northwest corner of the intersection of the North side of Eleventh street and the West side of Marshall street; thence in a Southerly direction along the West side of Marshall street extended to the center of Chockoyotte Creek; thence in a Westerly direction along the center of Chockoyotte Creek to a point where the center line of the alley West of Rapids street, extended intersects Chockoyotte Creek; thence in a Northerly direction along the center line of the alley West of Rapids street, to a point where said line intersects with the South side of Eleventh street; thence in an Easterly direction along the South side of Eleventh street to a point where the South side of Eleventh street intersects the East side of Henry street; thence in a Southerly direction along the East side of Henry street to a point where said line intersects the North side of Thirteenth street, extended; thence Easterly along the North side of Thirteenth street to a point where said line intersects the West side of Roanoke Avenue; thence in a Northerly direction along the West side of Roanoke Avenue to a point where said line intersects the North side of Twelfth street extended; thence along the North side of Twelfth street in a Westerly direction to the center line of the alley located between Roanoke Avenue and Jackson street; thence along the center line of the alley located between Roanoke Avenue and Jackson street in a Northerly direction to a point where said line intersects the South side of Eleventh street; thence along the South side of Eleventh street, in a Westerly direction to a point where said line intersects the West side of Madison street; thence along the West side of Madison

Boundaries.

street in a Northerly direction to a point where said line intersects the South side of Tenth street; thence along the South side of Tenth street in a Westerly direction to point where said line intersects the East side of Henry street; thence along the East side of Henry street in a Southerly direction to a point where said line intersects the North side of Eleventh street; thence along the North side of Eleventh street in a Westerly direction to a point where said line intersects the center line of the alley to the West of Rapids street; thence in a Northerly direction along the center line of the alley to the West of Rapids street to a point where said line intersects the South side of Fifth street, extended; thence in an Easterly direction along the South side of Fifth street to a point where the said line intersects the East side of Monroe street; thence in a Southerly direction along the East side of Monroe street, to a point where said line intersects the center line of the Seaboard Airline Railroad Siding; thence along the center line of the Seaboard Airline Railroad Siding in a Southerly direction to a point where said line intersects the North side of Seventh street; thence along the North side of Seventh street in an Easterly direction to a point where said line intersects the West side of Jackson street; thence along the West side of Jackson street in a Northerly direction to a point where the said line intersects the South side of Fifth street; thence along the South side of Fifth street, in a Westerly direction to a point where the said line intersects the West side of Madison street, extended; thence along the West side of Madison street in a Northerly direction to a point where the said line intersects the South side of Fourth street; thence along the South side of Fourth street in a Westerly direction to a point where said line intersects the East side of Monroe street; thence along the East side of Monroe street in a Southerly direction to a point where the said line intersects the North side of Fifth street; thence along the North side of Fifth street in a Westerly direction to a point where the said line intersects the center line of the alley located to the West of Rapids street; thence along the center line of the alley located to the West of Rapids street in a Northerly direction to a point in said line located three hundred feet North of the Roanoke Navigation and Water Power Company's canal, now owned by the Virginia Electric and Power Company; thence in an Easterly direction on a line located at all points three hundred feet from said center line of said canal and parallel thereto to a point of intersection of the West side of Marshall street, extended; thence in a Southerly direction along the West side of Marshall street, extended, to a point where said line intersects the South side of Eighth street; thence along the South side of Eighth street in a Westerly direction to a point

where said line intersects the East side of Jefferson street; thence along the East side of Jefferson street in a Southerly direction to a point where said line intersects the North side of Eleventh street; thence along the North side of Eleventh street in an Easterly direction to the point of beginning.

SEC. 4. The corporate powers of the city of Roanoke Rapids shall be exercised by a Mayor and Board of Commissioners consisting of six members, to be elected in accordance with the general laws regulating elections in cities and towns, except as herein otherwise provided, and such other officers, agents and employees as may be chosen by the Board of Commissioners. The present Mayor of the town of Roanoke Rapids shall hold office until the next general election and until his successor is elected and qualified, and the present members of the Board of Commissioners shall constitute the said board until the expiration of their present term of office and until their successors are elected and qualified, and the said Mayor and Board of Commissioners, as such, shall have the same power and authority heretofore conferred upon them in the area within the present corporate limits of said town and may exercise all such authority within the area mentioned in Section Three hereof together with all such additional powers and authority conferred by this act.

SEC. 5. That subject to an election to be held in the manner hereinafter provided, the territory comprised within the corporate limits of said city, is hereby laid off into two wards, as follows: North Ward shall be comprised of all the territory of the said city lying on the North side of the center line of Seventh street if extended in a straight line from the Eastern to the Western boundaries of the corporate limits of said city as hereinbefore described; the South Ward shall be comprised of all the territory of said city lying on the South side of the center line of Seventh street as extended from the Eastern to the Western boundaries of the corporate limits of said city as hereinbefore described. For the purpose of elections, the city of Roanoke Rapids shall be divided into such precincts as the Board of Commissioners of said city may create, *provided* the Board of Commissioners shall make the voting places and the boundaries of said precincts conform, as nearly as may be practicable, to those designated and prescribed by the general law for the election of State and County Officers.

SEC. 6. The officers of said town shall consist of a Mayor and six Commissioners. The said officers shall have authority to appoint such officers and servants as may be necessary for the conduct and management of the city of Roanoke Rapids and such other rights, powers and authorities prescribed under the general laws for such office.

Governing body to consist of Mayor and six Commissioners.
Election of.

Present officers to remain until next general election.

Power and authority of officers.

New territory laid off in two wards.

Boundaries of wards.

Division of city into precincts.

Appointment of subordinate officers and employees.

First municipal election to be held in May, 1931.

Terms of office of officers.

Election of Commissioners by wards.

Mayor, from city at large.

Qualifications of voters.

Commencement of terms of officers.

Question of new city limits to be submitted to voters.

Election to be held on April 27, 1931.

Details of election.

SEC. 7. The general municipal elections shall take place on the first Tuesday after the first Monday in May, one thousand nine hundred thirty-one, when a Mayor and six Commissioners shall be selected by the registered voters of the city of Roanoke Rapids, of which Commissioners, for their first term of office, two shall be elected for one year, two for two years and two for three years, and thereafter all of said Commissioners shall be elected for a term of three years, the annual municipal elections to be held on the first Tuesday after the first Monday in May of each year. At such first election, there shall be elected three Commissioners who shall reside in the North Ward of said city, one of whom shall be elected for a term of one year, one for two years and one for three years, for their first term of office, and thereafter their successors in office shall be elected for a term of three years, and three Commissioners who shall reside in the South Ward of said city, one of whom shall be elected for one year, one for two years and one for three years for their first term of office, and thereafter their successors in office shall be elected for a term of three years. The Mayor shall be elected for a term of two years and shall be elected from the city at large. That no persons shall be entitled to vote at such elections unless, in addition to his qualifications as a voter in State and County elections under the general law, he has resided within the corporate limits of the city of Roanoke Rapids four months immediately preceding said election. The officers so elected shall qualify and be inducted into office on the first Monday in June following their election, and shall continue in office for their respective terms as hereinbefore provided and until their successors have been duly elected and qualified.

SEC. 8. That the question of such an amendment or extension of the corporate limits of the city of Roanoke Rapids shall be submitted to a vote of the qualified voters of said city and the territory to be annexed and contained within the boundaries hereinbefore set forth, all voting together.

SEC. 9. That the said election shall be held on Monday, the twenty-seventh day of April one thousand nine hundred and thirty-one, under the supervision of a special board of elections to be hereinafter created, and in all particulars other than those provided in this act, shall be held and conducted and the qualification of the voters determined as nearly as may be practicable in accordance with the general laws relating to the election of officers for the city of Roanoke Rapids. The test of qualification of voters in said election shall be whether they are residents of the territory proposed to be annexed outside of the town of Roanoke Rapids and whether the residents of the city shall be qualified voters of the city of Roanoke Rapids, and the resi-

dents of the territory proposed to be annexed shall be qualified voters of Roanoke Rapids Township, Halifax County, as shown by the registration books. The registration books for those precincts in the County of Halifax which include the territory outside of said city proposed to be annexed shall be kept open during the same period provided for the registration of voters in the town or city of Roanoke Rapids. The Registrars in such precincts shall be present at the polling places of each precinct each Saturday during the period of registration from sunrise until sunset for the registration of voters which are not already registered. The Special Board of Elections shall publish, preceding the date of election, a notice of said election once a week for four successive weeks in a newspaper published in the town or city of Roanoke Rapids. All voters shall vote at the voting places of the precincts for general elections in which they reside. The registration books used at the last general election held in Halifax County shall be used at the election in all precincts in the city and the territory to be annexed.

SEC. 10. For the purposes of this act and for the purposes of the Special Election herein ordered, a Special Board of Elections is hereby created to consist of three members, one of whom shall be Chairman, and Kelly Jenkins, W. F. Joyner and L. G. Shell, be and they are hereby appointed as said Special Board of Elections, and in case of resignation, death or removal of any member hereof, the Mayor and Commissioners of the town or city of Roanoke Rapids shall appoint a successor. The members of the said Board of Elections, after taking the oath of office shall elect one of their members as Chairman. The said Board of Elections shall be vested with the same power and authority in the performance of their duties as the County Board of Elections, and the Registrars and Judges and other election officials shall have the same power and authority as is conferred upon officials appointed by the Halifax County Board of Elections, and the provisions of the general election laws governing the election of municipal officers of the city of Roanoke Rapids shall apply in full force and effect in said Special Election when not inconsistent with the provisions of this act, and it shall be the duty of said Board of Elections to appoint the Registrars and Judges and to have general supervision and control over the election ordered by this act. The costs and expense of said election shall be borne by the city of Roanoke Rapids.

SEC. 11. That at such elections those voters who favor extending the city limits as provided herein, shall vote ballots upon which shall be written or printed the words "For City Extension" and those opposing shall vote ballots upon which shall be written or printed the words "Against City Extension." And

Registration.

Publication of notice of election.

Creation of Special Board of Elections.
Appointees to Board.

Vacancy appointments.

Oath of office and selection of chairman.

Power and authority.

General laws applicable.

Appointment of election officials.

Costs of election.

Ballots to be voted.

the proposition for city extension and the proposition against city extension shall be upon a single ballot, and shall be prepared so as to conform with the general law governing municipal elections in the town or city of Roanoke Rapids. If at such election a majority of the votes cast shall be "For City Extension," then, from and after the twenty-first day of April one thousand nine hundred and thirty-one, the corporate limits of the said city of Roanoke Rapids shall be extended as herein provided, and the territory above described shall be a part of the corporate territory of the city of Roanoke Rapids, and such territory, its citizens and property, shall be subject to the charter and all laws, ordinances and regulations in force in said city. The said Board of Elections shall declare the result of the election and certify it to the Board of Commissioners of the city of Roanoke Rapids, who shall cause it to be entered upon the records of said city.

New limits effective April 21, 1931.

Declaration of result.

Listing of property for taxation in new territory.

Effective May 1, 1931.

General laws applicable for government of city.

Survey of new corporate limits to be made.

SEC. 12. That if the corporate limits of the city of Roanoke Rapids shall be extended as herein provided, the property outside of the present corporate limits of the town of Roanoke Rapids and inside of the corporate limits of said city as fixed by this act, shall be listed for taxes as of and beginning with the first day of May one thousand nine hundred and thirty-one, and all residents in said territory, subject to a poll and personal property tax shall be required to list the same for the year beginning May first, one thousand nine hundred and thirty-one. It being the intent of this section that the city of Roanoke Rapids shall have power and authority to collect taxes for the year one thousand nine hundred and thirty-one upon all property real, personal and poll located within the limits described in Section Three of this act. That taxes shall be collected on all property owned by tax payers within said district on the first day of May, one thousand nine hundred and thirty-one, and listed accordingly. Commencing with the year one thousand nine hundred and thirty-two and subsequent thereto, all property real, personal and poll shall be listed for taxation and taxes collected under the general laws prescribed by the General Assembly.

SEC. 13. All matters pertaining to the administration of the government of the town of Roanoke Rapids, and not provided for in this act, shall be governed by the laws of the State of North Carolina as contained in Chapter fifty-six of the Consolidated Statutes of North Carolina.

SEC. 14. That if the corporate limits of the city of Roanoke Rapids shall be extended, as herein provided, the Mayor and Board of Commissioners of said city shall immediately cause to be made by a competent surveyor, a survey of the territory with-

in the corporate limits of the city of Roanoke Rapids and the corporate limits of said city described in Section Three hereof and a map prepared therefrom and recorded in the office of the Register of Deeds for Halifax County, North Carolina; the expenses thereof being borne by the city of Roanoke Rapids.

Map to be recorded in Halifax County Registry.

SEC. 15. That wherever the word "town" appears in Chapter fifty-three of the Private Laws of one thousand eight hundred and ninety-seven, and all amendments thereto, the same shall be stricken out and word "city" shall be inserted in lieu thereof.

To be known as "city."

SEC. 16. If any section, clause or sentence of this act with respect to boundaries shall be declared invalid, then every section, clause or sentence of said act shall be null and void; otherwise no other section, clause or sentence of said act shall be affected thereby.

Constitutionality of Act, how affected.

SEC. 17. That all laws and parts of laws in conflict with this act, be and the same are hereby repealed.

Conflicting laws repealed.

SEC. 18. That this act shall be in force from and after its ratification.

Ratified this the 6th day of March, A.D., 1931.

CHAPTER 54

AN ACT TO AMEND CHAPTER TWO HUNDRED AND TWELVE, PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-NINE, AUTHORIZING THE BOARD OF COMMISSIONERS OF THE TOWN OF MOCKSVILLE, IN DAVIE COUNTY, TO EXPEND THE FUNDS DERIVED FROM THE SALE OF ELECTRIC LIGHTING AND POWER SYSTEM.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter two hundred and twelve, Public-Local Laws of one thousand nine hundred and twenty-nine, be amended by adding at the end of section one thereof the following: "Provided, that if said electric lighting and power bonds cannot be bought at a price satisfactory to said Board of Town Commissioners, the said board may buy any other bonds outstanding against the town of Mocksville to an amount not exceeding seventy-five thousand dollars."

Ch. 212, Public-Local (Private) Laws 1929, amended.

Application of funds derived from sale of Mocksville power plant.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this act shall be in force and effect from and after its ratification.

Ratified this the 6th day of March, A.D., 1931.

CHAPTER 55

AN ACT TO AMEND CHAPTER ONE HUNDRED SIXTY-EIGHT, PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED TWENTY-NINE, RELATING TO ELECTIONS IN THE TOWN OF ANGIER.

The General Assembly of North Carolina do enact:

Ch. 168, Private
Laws 1929,
amended.

SECTION 1. That Section four of chapter one hundred and sixty-eight of the Private Laws of one thousand nine hundred and twenty-nine, be, and the same is hereby amended as follows: Strike out the period in the end of the first paragraph of said section and substitute therefor a semi-colon and add the following: "*Provided*, that the governing body of said town may, in its descretion, designate only one registration and voting precinct in said town."

Voting precinct
for town of
Angier.

Conflicting laws
repealed.

SEC. 2. That all laws and clauses of laws in conflict herewith are hereby repealed.

SEC. 3. That this act shall be in force and effect from and after its ratification.

Ratified this the 7th day of March, A.D., 1931.

CHAPTER 56

AN ACT AUTHORIZING THE SETTING ASIDE OF A CERTAIN PORTION OF THE TOWN COMMONS IN TARBORO, NORTH CAROLINA, FOR THE ERECTION OF A PUBLIC BUILDING FOR CERTAIN CIVIC AND PATRIOTIC INTERESTS.

Preamble: Town
Commons of Tar-
boro.

Whereas the Reverend James Moye, Lawrence Toole Mercer, Captain Acquila Sugg, Elisha Battle and Benjamin Hart were, by a recorded instrument, dated the twenty-fourth day of September, one thousand seven hundred sixty, appointed and qualified as bonded commissioners to lay off certain lands formerly belonging to Joseph Howell into a town to be known as the Town of Tarboro, they being charged with the further duty of excepting from the lands referred to, to be so laid off, fifty acres, more or less, of said land to be used as a Town Commons: and,

Whereas in pursuance to said commission, said commissioners did lay off said lands into a Town and did set aside and reserve fifty acres more or less, of the lands formerly belonging to Joseph Howell, as the Town Commons, all of which is platted and is recorded under date of September one thousand seven hundred sixty, is Book D at Page five hundred twenty-four of the Edgecombe Registry; and,

Whereas the Eason Tiney Post, Chapter of the American Legion, in conjunction with other civic, patriotic and educational organizations are desirous of erecting, as a result of private subscriptions (but not out of public funds), a building in the Town Commons and in that portion thereof that lies between the following boundaries: on the West by Albemarle Avenue, on the South by Wilson Street, on the East by Trade Street, and on the North by Park Avenue (or Park Avenue if extended westwardly), which lies just immediately south of the property lines as they now exist of Dr. S. N. Harrell, Mrs. F. G. Davis, H. P. Foxhall and others; and,

Proposed erection
thereon of public
building by
American Legion.

Whereas said organizations propose, as a result of private funds to be raised as soon as possible, to erect in said confines a creditable building to cost not less than thirty thousand (\$30,000.00) Dollars, which said building is to be used for patriotic gatherings, educational purposes, and as a public library, and in which is to be installed as soon as practicable, a gymnasium, and in which or outside of which, at the option of the trustees to be appointed as hereinafter stated, is to be erected a public swimming pool: Now, therefore,

Private funds
to be used.

The General Assembly of North Carolina do enact:

SECTION 1. That the Mayor and Town Commissioners of the Town of Tarboro be and they are hereby expressly authorized, empowered, and permitted to lease that portion of the Town Commons or so much thereof as in their discretion they may deem expedient and proper that lies inside the following boundaries, to-wit: On the West by Albemarle Avenue, on the South by Wilson Street, on the East by Trade Street, and on the North by Park Avenue, (or Park Avenue if extended westwardly), to a Board of Nine Trustees, said trustees to be selected in the following manner, to-wit, All nine of said trustees shall be elected by the Mayor and the Board of Commissioners of the Town of Tarboro, but three of said nine trustees shall be nominated to said Board and Mayor by the Eason Tiney Post of the American Legion, and three more of said trustees shall be nominated to said Board and Mayor by the Edgecombe Public Library, the remaining three trustees to be nominated and selected by the Board of Commissioners and the Mayor of the Town of Tarboro. One out of each group of three trustees shall be nominated and elected to serve for one year, and one each of the second group of three trustees shall be nominated and elected to serve for two years, and one each from the last or third group of trustees shall be nominated and elected to serve for three years. And thereafter one each out of each group of trustees shall be selected to serve for three years. Said trustees shall serve without compensation.

Lease by Gov-
erning Body of
Tarboro of land
for building au-
thorized.

Boundaries.

Lessees to be
board of nine per-
sons.

How nominated.

Term of office.

To serve without
compensation.

Funds must be had or arranged for before lease is executed.

SEC. 2. The said Mayor and Board of Commissioners of the Town of Tarboro are not authorized, however, to lease said land to said trustees, as provided for in Section one, until such time as the Eason Tiney Post of the American Legion and the Edgcombe Public Library, and other civic, patriotic or educational organizations, co-operating with said Post and Library, shall give definite and satisfactory assurance to the Mayor and Board of Commissioners of the Town of Tarboro, that they have on hand or available sufficient money to erect a building, the plans of which shall be approved by the Mayor and the Board of Town Commissioners, and the cost of which shall be in at least the sum of thirty thousand (\$30,000.00) Dollars.

Construction must begin within two years; minimum cost, \$30,000.

SEC. 3. When the assurance provided for in Section Two hereof shall have been successfully given to the Mayor and Board of Commissioners of the Town of Tarboro, as in their discretion they may require, the said Mayor and Board of Commissioners are authorized to lease said land to said trustees as provided for in Section one hereof: Whereupon said trustees, through their duly constituted agents, shall within two years of said lease, begin to erect a building to cost at least thirty thousand (\$30,000.00) Dollars as provided for in Section two hereof, and shall complete said building as expeditiously as possible. Said lease for said premises shall be for an indefinite duration of time with the condition and proviso, however, that if said trustees shall fail to properly keep and maintain said building (it being understood, however, that the governing body of said Town shall furnish lights and water to said building without charge), and further should they fail to properly keep said building devoted to the objects and purposes hereinbefore and hereinafter stated, that the said Mayor and Board of Commissioners may declare said lease forfeited, in which event, the building and all other property placed or installed on said leased premises by said trustees shall immediately revert to and become the property of the Town of Tarboro.

Forfeiture provision.

Purposes for which building is to be used.

SEC. 4. The said building when built and erected out of private funds as aforesaid, shall be utilized only for the maintenance of the public library therein, and for patriotic, educational, athletic, social and civic purposes. In addition thereto said Mayor and Board of Commissioners in said lease are hereby especially authorized and empowered to in turn authorize and empower said trustees to, out of private funds, install in said building a gymnasium for the purposes of promoting the general health of the youth and people generally of the Town of Tarboro. In addition thereto said Mayor and Board of Commissioners are further authorized to empower said trustees in said lease to install or erect either in said building or outside said

Gymnasium.

building but on said leased premises, a swimming pool for the use of the public, under such restrictions as may be imposed subject to the approval of the Mayor and Board of Commissioners, by said trustees.

Swimming pool.

SEC. 5. After and when said lease is given to said trustees under the authority hereinbefore extended, then said trustees may make such by-laws as to them may seem reasonable; in regard to the use of said building and swimming pool.

By-laws to govern use of building.

However, such by-laws or regulations as may be adopted by said trustees must be subject first to the approval of the Mayor and Board of Commissioners of the Town of Tarboro.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

Ratified this the 7th day of March, A.D., 1931.

CHAPTER 57

AN ACT TO AMEND THE CHARTER OF BEAUFORT, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter four hundred and thirty-five of the Private Laws, one thousand nine hundred and thirteen, as amended by Chapter ninety-three Private Laws one thousand nine hundred and twenty-five, be amended as follows:

Ch. 435, Private Laws 1913; and ch. 93, Private Laws 1925, amended.

Add at the end of Section twenty-four, after the word "Commissioners" the words "Not exceeding three hundred dollars per annum."

Certain salaries in Beaufort.

Strike out sections seventy-five, seventy-six, seventy-seven, seventy-eight and seventy-nine, and insert in lieu thereof the following:

"SEC. 75. That for the management of said water and light systems, a Commission, to be called 'Beaufort Water and Light Commission,' is organized, which Commission shall consist of three members, to be elected by the Board of Commissioners of said town, for terms of two, four and six years respectively; and in case of vacancy, on said Commission, either by expiration of term or otherwise, the Board of Commissioners shall appoint such person as may be recommended by the remaining members of the Commission to fill such vacancy. Said Commission shall organize by electing one of its members Chairman, and may elect such other officers as said Commission deems expedient or advisable."

Election of Water and Light Commission.

Term of office.

Vacancy appointments.

Selection of Chairman.

"SEC. 76. That the said Commission shall have entire supervision and exclusive control of the maintenance, improvement

Control over utilities.

Appeal as to rates.

and management of said systems, and shall fix such uniform rates for water and lights and electric power and current as conditions shall determine: *Provided*, that any person may appeal to the Board of Commissioners from the decision as to rates, and the decision of the Board shall be final."

Excess of funds to go in to town general fund.

"SEC. 77. That the Commission shall keep its funds, which shall be paid out only on the order of said Commission, and at the end of each fiscal year, or calendar year as said Commission may determine, said Commission shall report to the Board of Commissioners its receipts and a schedule of its disbursements and if a net gain shown shall recommend to the Board such amount, if any, as may be turned over to the general fund of the town."

Selection of other officers and employees.
Compensation.

"SEC. 78. That said Commission shall elect or appoint all officers, agents and employees necessary to the operation of said systems, and fix their remuneration and may require bond in any case."

Compensation of Commission members.

"SEC. 79. That the Board of Commissioners may allow remuneration to the members of the Commission, but such remuneration shall not exceed the per diem allowed to members of the Board of Commissioners, except the Chairman of the Commission whose compensation, not exceeding Three Hundred Dollars per annum, may be fixed by the Commission and be payable out of its funds on its order."

Maximum.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 3. That this act shall be in full force and effect from and after its ratification.

Ratified this the 7th day of March, A.D., 1931.

CHAPTER 58

AN ACT TO PREVENT THE ERECTION OF A TOWN HALL IN THE TOWN OF LEXINGTON WITHOUT A VOTE OF THE PEOPLE.

The General Assembly of North Carolina do enact:

Erection of town hall in Lexington prohibited without vote of people.

SECTION 1. That no bonds shall be issued or obligation incurred for the purpose of erecting a town hall in the town of Lexington without submitting the question of such erection to the vote of the people of said town.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this act shall be and the same are hereby repealed.

SEC. 3. That this act shall be in force and effect from and after its ratification.

Ratified this the 7th day of March, A.D., 1931.

CHAPTER 59

AN ACT TO AMEND CHAPTER TWO HUNDRED AND EIGHT OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-SEVEN RELATING TO THE SALARY OF THE MAYOR OF THE TOWN OF WARSAW IN DUPLIN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That all of Section one of Chapter two hundred and eight of the Private Laws of one thousand nine hundred and twenty-seven be and the same is hereby repealed, and the following is inserted in lieu thereof as a new Section to be known as Section one:

Ch. 208, Private Laws 1927, amended.

“The Mayor of the town of Warsaw, North Carolina, shall receive such compensation as may be fixed by the Board of Commissioners of the town of Warsaw, who are hereby authorized and directed to fix the salary of the Mayor and the payments thereof, which compensation shall be in lieu of all fees as now or may hereafter be provided by law.”

Salary of Mayor of Warsaw to be fixed by Commissioners.

SEC. 2. That the Chief of Police or any other Police officer of the town of Warsaw, shall have authority to make arrests and serve all criminal process in Warsaw Township, Duplin County.

Police officers to have power to serve criminal process.

SEC. 3. That this Act shall be in force and effect from and after its ratification.

Ratified this the 7th day of March, A.D., 1931.

CHAPTER 60

AN ACT TO AMEND THE CHARTER OF THE TOWN OF NASHVILLE.

Whereas by section two of Chapter one hundred and five of the Private Laws of North Carolina Session one thousand nine hundred and seventeen the boundaries of the Town of Nashville were fixed by reference to a map recorded in Book one of Maps, at page sixty-four in the office of the Register of Deeds of Nash County, and whereas it has been made to appear that the said map does not contain description by meets and bounds, and does not sufficiently describe the boundaries of the Town of Nashville; and whereas the governing body of the said town has caused an actual survey to be made locating the boundaries of the town as nearly as practicable according to said map; and

Preamble: Uncertainty as to corporate limits of Nashville.

whereas the governing body and the citizens of said town desire that the boundaries be made definite: *Now, therefore,*

The General Assembly of North Carolina do enact:

Ch. 105, Private
Laws 1917,
amended.

SECTION 1. That section two of Chapter one hundred and five of the Private Laws of North Carolina, Session one thousand nine hundred and seventeen, entitled "An Act to Revise The Charter of The Town of Nashville," be and it is hereby repealed.

SEC. 2. That the following be substituted in the place of section two, Chapter one hundred and five of the Private Laws of North Carolina, Session one thousand nine hundred and seventeen, to-wit:

Corporate limits
of town described
by metes and
bounds.

"That the corporate limits of the Town of Nashville shall hereafter be, and the said town is hereby bounded and described as follows, to-wit:

Boundaries.

"Beginning at an iron stake, 769 feet S. 75° 36' E. of a granite marker lettered N. C. G. S., U. S. G. S., and being the North stone of a base line 350 feet long, designating the true North and South meridian, located in the Nashville Cemetery by the U. S. Coast and Geodetic Survey (See Bulletin Serial Number 303); thence N. 75° 36' W. over and across the center of said marker, 2877 feet to an iron stake on the East bank of Stoney Creek; thence up Stoney Creek as it meanders 1572.2 feet to an iron stake on the South bank of the aforesaid creek; thence S. 37° 18' W. 836.1 feet to an iron stake on the Northeast bank of Stoney Creek; thence with said Stoney Creek as it meanders 1350 feet to an iron stake on the South bank of the aforesaid creek; thence S. 0° 26' W. 2443.8 feet to an iron stake, located 290 feet Southwest of the switching flag of the A. C. L. Railroad; thence S. 86° 23' E. 1520 feet to an iron stake in the roots and on the North side of a pine tree located on the West side of Alston Street, 225.2 feet from the center of the A. C. L. Railroad; thence S. 71° 22' E. 2752.5 feet to an iron stake, located 149.1 feet E. of the Eastern side of the Wilson Road, and 829.9 feet from the center of the A. C. L. Railroad Track; thence N. 12½° E. 4516.3 feet to the beginning.

Surveyor's notes.

"Surveyors Notes:

"All angles are measured to the nearest minute and the magnetic bearings calculated from a true North and South Meridian, the North stone of which forms a part of this description. All main Highway intersections are marked by iron stakes, and Highway 90, leading to Rocky Mount, North Carolina, is crossed where the asphalt paving narrows from eighteen to sixteen feet in width.

"Survey and Map by B. J. Downey, Engineer, dated February 15, 1931, a copy of which is recorded in Book 352, page 255, Nash Registry, which map and survey is made a part of this description."

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 7th day of March, A.D., 1931.

CHAPTER 61

AN ACT TO AMEND CHAPTER ONE HUNDRED NINETY OF THE PRIVATE LAWS OF NORTH CAROLINA, SESSION ONE THOUSAND NINE HUNDRED TWENTY-THREE, RELATING TO THE CHARTER OF THE TOWN OF ROBBINSVILLE, IN GRAHAM COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter one hundred and ninety of the Private Laws of North Carolina, Session nineteen hundred and twenty-three, be and the same is hereby amended as follows: By striking out the period at the end of Section one and inserting in lieu thereof a comma, and the following:

“Provided, however, that the following described piece or parcel of land is excepted from the foregoing boundary, to-wit:

Beginning on a stake on the East bank of Long Creek near the Buffalo Snowbird Railway bridge and on the South side of the Buffalo Snowbird Railway, and runs South sixty-five degrees and forty-five minutes East eighty-four feet to a stake; thence South eighty-six degrees and fifty-five minutes East and with the old town corporation line one thousand one hundred thirty-seven feet to a stake on the West side of Bemis Lumber Company's loading dock railroad line; thence North thirty degrees and ten minutes west seven hundred sixty-four feet to a stake; thence seventy-one degrees and fifty-seven minutes west three hundred fifteen feet to a stake on the South side of Buffalo Snowbird Railway; thence South forty-five degrees and forty-two minutes West eight hundred sixteen feet to the beginning.”

SEC. 2. All laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 3. This act shall be in force and effect from and after its ratification.

Ratified this the 9th day of March, A.D. 1931.

Ch. 190, Private
Laws 1923.
amended.

Certain land ex-
cepted from cor-
porate limits of
Robbinsville.
Excepted bound-
aries.

Conflicting laws
repealed.

CHAPTER 62

AN ACT TO AMEND CHAPTER THIRTY-SEVEN OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED TWENTY-THREE, BEING THE CHARTER OF THE CITY OF GREENSBORO.

The General Assembly of North Carolina do enact:

Ch. 37, Private Laws 1923, amended, relative to Charter of Greensboro.

SECTION 1. That Chapter thirty-seven of the Private Laws of one thousand nine hundred and twenty-three, entitled, "An act to Incorporate The City of Greensboro, etc.", and amendments thereto, be further amended as follows:

a. That Section eighty-three of the said Chapter thirty-seven of the Private Laws of one thousand nine hundred and twenty-three, as heretofore amended, be further amended by adding at the end thereof the following sentence:

Establishment of cemeteries and removal of dead bodies.

"The said City may establish and maintain separate cemeteries for white persons and for negro persons, and in order so to do, the City Council may authorize and direct the removal of dead bodies from one city cemetery to another city cemetery."

b. That Section 78(c) of the said Chapter thirty-seven of the Private Laws of one thousand nine hundred and twenty-three, as heretofore amended, be further amended by adding thereafter a new section as follows:

Certain contract with Southern Railway Company as to underpass validated.

"78(c) 1. That there be and hereby is confirmed and declared valid in all respects a supplemental agreement dated the twenty-third day of February, one thousand nine hundred and thirty-one, between the City of Greensboro and the Southern Railway Company, the same being supplemental to a certain contract or agreement dated the twenty-ninth day of November, one thousand nine hundred and twenty-six, as heretofore amended, the said supplemental agreement hereby confirmed and validated providing for the substitution of a vehicular underpass at East Street in lieu of a pedestrian underpass at Dean's Street, and further providing for an extension of time for the completion of the work required in the said original contract."

Certain public improvements and assessment therefor validated.

c. That Section 78(d) of the said Chapter thirty-seven, Private Laws of one thousand nine hundred and twenty-three, as amended, by adding thereafter a new sub-section as follows:

"Section 78(d) 1. All acts heretofore done and all steps taken by the City of Greensboro in the widening, paving and repair of the streets and sidewalks of the City and in the construction in the City of water mains and laterals, sanitary sewer mains and laterals, storm sewers, curbs and gutters, grass plot improvements and all special assessments levied therefor are hereby in all respects approved and validated."

SEC. 2. That all laws and parts of laws in conflict with this act are repealed insofar as they affect this act.

Conflicting laws repealed.

SEC. 3. That this act shall be in effect from and after its ratification.

Ratified this the 9th day of March, A.D., 1931.

CHAPTER 63

AN ACT TO AMEND CHAPTER EIGHTY-FIVE, PRIVATE LAWS OF NINETEEN HUNDRED AND TWENTY-SEVEN, RELATIVE TO THE CHARTER OF THE TOWN OF PILOT MOUNTAIN, AND TO REPEAL CHAPTER FORTY-FOUR, PRIVATE LAWS OF NINETEEN HUNDRED AND TWENTY-NINE.

The General Assembly of North Carolina do enact:

SECTION 1. That section one of chapter eighty-five, Private Laws of nineteen hundred and twenty-seven, be amended by striking out all of said section one, and substituting in lieu thereof section two of chapter two hundred and eighty-seven, Private Laws of eighteen hundred and ninety-one. The boundaries of the Town of Pilot Mountain shall be and remain as set out in section two, Private Laws of eighteen hundred and ninety-one, chapter two hundred and eighty-seven.

Ch. 85, Private Laws 1927; and ch. 287, Private Laws 1891, amended, reducing corporate limits of Pilot Mountain.

SEC. 2. That chapter forty-four, Private Laws of nineteen hundred and twenty-nine, be and the same is hereby repealed.

Ch. 44, Private Laws 1929, repealed.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Conflicting laws repealed.

SEC. 4. That this act shall be in force and effect from and after its ratification.

Ratified this the 9th day of March, A.D., 1931.

CHAPTER 64

AN ACT TO AMEND CHAPTER NINETY-ONE, PRIVATE LAWS, ONE THOUSAND NINE HUNDRED AND TWENTY-SEVEN, SO AS TO CONTRACT THE LIMITS OF THE TOWN OF BREVARD.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter ninety-one, Private Laws, one thousand nine hundred and twenty-seven, be and the same is hereby amended by striking out all of section two of said chapter and inserting in lieu thereof the following:

Ch. 91, Private Laws 1927, amended.

"SEC. 2. That the limits of the town of Brevard in said county shall embrace all of that territory within a radius of three-quarters of a mile of the Court House in said town; *Provided*, that this contraction of the limits of the town shall not

Corporate limits of Brevard reduced.

Water rents and taxes in outside territory unaffected.

Conflicting laws repealed.

affect the agreement made by citizens of the territory excluded from that embraced in section two of chapter ninety-one, Private Laws, one thousand nine hundred and twenty-seven, to pay water rents and taxes not to exceed fifty cents on each one hundred dollars, heretofore levied or hereafter to be levied for the cost of that part of the water line extending beyond the three-quarters of a mile corporate limit."

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 3. That this act shall be in full force and effect from and after its ratification.

Ratified this the 9th day of March, A.D., 1931.

CHAPTER 65

AN ACT TO AUTHORIZE THE TOWN OF TARBORO TO ENLARGE AND EXTEND ITS ELECTRIC LIGHT FACILITIES AND FURNISH LIGHTS BEYOND THE CORPORATE LIMITS.

The General Assembly of North Carolina do enact:

Town of Tarboro authorized to distribute electric power outside corporate limits.

SECTION 1. The Board of Commissioners of the Town of Tarboro are hereby authorized and empowered to enlarge and extend its electric light facilities beyond the corporate limits of the Town of Tarboro, and to properly effectuate and carry out the plan of extension hereunder, are authorized and empowered to construct or buy, maintain and operate electric light and power lines outside the corporate limits of the Town of Tarboro and in rural districts, and to sell and furnish either its present electric light plant or other power plant electric current and lights not only to inhabitants of the Town of Tarboro but to persons, firms, or corporations outside of the corporate limits of the Town of Tarboro; and the said Board of Commissioners is authorized and empowered to charge for the use of said lights and current such rate as may be fixed by said board.

Rates for service.

SEC. 2. That this Act shall be in force and effect from and after its ratification.

Ratified this the 10th day of March, A.D., 1931.

CHAPTER 66

AN ACT TO RESTRICT AND LIMIT THE POWERS OF THE BOARD OF COMMISSIONERS OF THE TOWN OF EAST FLAT ROCK IN HENDERSON COUNTY.

The General Assembly of North Carolina do enact:

Town of East Flat Rock limited in tax levies to purposes of retiring present indebtedness.

SECTION 1. That from and after the first day of June, one thousand nine hundred and thirty-one, the Commissioners of the town of East Flat Rock in Henderson County shall have no

power to levy any taxes for any purpose whatever except for the payment of principal and interest on outstanding obligations of said town as of said date, except as hereinafter provided.

SEC. 2. That from and after the first day of June, one thousand nine hundred and thirty-one, the Commissioners of the town of East Flat Rock in Henderson County shall annually levy and collect a sufficient tax against all property within the incorporate limits of said town to meet all principal and interest of any obligation maturing in each current year against said town and for no other purpose, except as hereinafter provided.

SEC. 3. That all the taxes levied and collected pursuant to this act shall be used for the exclusive purpose of retiring obligations of the town of East Flat Rock as the same shall become due, and for no other purpose, except as hereinafter provided.

SEC. 4. That the Commissioners of the town of East Flat Rock shall have no power from and after the ratification of this act to contract or create any new debts or obligations in the name of said town, and their power shall be limited to the retirement of only such obligations as may exist against said town, except as hereinafter provided.

SEC. 5. That it shall be the duty of the Commissioners of said town of East Flat Rock to collect all street assessments due said town and to see that all money so collected is applied to the payment of such bonds as were issued for the purpose of building said streets.

SEC. 6. That all taxes levied and collected under this act shall be levied and collected in the manner and at the same time as taxes, heretofore, levied and collected by the Town of East Flat Rock.

SEC. 7. In addition to the levying and collecting of taxes by the Commissioners of the town of East Flat Rock for the purpose of retiring the outstanding indebtedness of said town, it shall be lawful for the commissioners of said town to levy an additional tax sufficient to provide office space where the tax records shall be kept and where the meetings of the Board of Commissioners may be held, and to provide for the necessary stationery and postage incident to the conduct of the affairs of said town, and to provide for the cost of such elections held in said town as are authorized by law.

SEC. 8. It shall be lawful for the Commissioners of the town of East Flat Rock to issue such bonds as may be necessary, in their discretion, to refund any bonds now outstanding, in the name of the Town of East Flat Rock, and it shall be lawful for the Commissioners of the town of East Flat Rock to issue and sell notes in anticipation of the collection of taxes. All notes

Annual levies for such purposes.

Taxes collected directed to those purposes only.

New obligations prohibited.

Street assessments ordered collected and applied.

Time of collecting taxes.

Office space and necessary expenses provided.

Cost of elections.

Issuance of refunding bonds allowed.

and bonds issued pursuant to this paragraph shall be issued under the general laws of the State providing for the issuing of bonds and notes by municipal corporations, but all proceeds of the issuing and sale of any bonds and notes pursuant to the foregoing shall be used for the sole and exclusive purpose of retiring outstanding bonds and notes of the town of East Flat Rock at the time of any new issue under this paragraph.

Chief of Police abolished.

SEC. 9. That the office of Chief of Police of the town of East Flat Rock is hereby abolished.

Special Constable created.

SEC. 10. That there shall be created for the town of East Flat Rock the office of Special Constable.

Appointment.

SEC. 11. Immediately after the ratification of this act it shall be the duty of the Commissioners of the town of East Flat Rock to appoint a Special Constable to serve until the next regular town election. The said Special Constable shall have the same power and authority as the regular Constable of Hendersonville Township, in Henderson County, and shall receive for his services as Special Constable the same fees as are now authorized by law for the said regular constable of Hendersonville Township.

Power and authority.

Fees.

Oath of office.

SEC. 12. The Special Constable authorized by this act shall, before entering upon his duties, take and subscribe to the same oath as required of the regular constable of Hendersonville Township, and shall enter into a good and sufficient bond for the faithful performance of his duties as Special Constable in a sum to be fixed by the Board of Commissioners of the town of East Flat Rock.

Election of Special Constable biennially.

SEC. 13. That at the next regular election in the town of East Flat Rock, and every two years thereafter, there shall be elected by the qualified voters thereof a Special Constable to serve for a period of two (2) years and until his successor is elected and qualified, the term of office of said Special Constable to begin at the same time as that of the Mayor of said town.

May serve as Tax Collector.

Power and authority.

SEC. 14. The Commissioners of the town of East Flat Rock may in their discretion appoint the Special Constable tax collector for the town of East Flat Rock, in which event the Special Constable shall be vested with the same power and authority in the collection of taxes in the town of East Flat Rock, and the sale of property therefor, in like manner and to the same extent as is now held by the tax collector of Henderson County in the Collection of taxes and sale of property therefor in Henderson County. And in the event the Special Constable is designated as tax collector in the town of East Flat Rock, it shall also be his duty to collect such street assessments as may be due to the town of East Flat Rock, the collection of the same to be in

- accordance with the general laws of the State in relation thereto. The Special Constable shall be allowed a commission on all taxes and street assessments collected by him in an amount to be fixed by the Board of Commissioners, and before entering upon his duties in the collection of taxes and street assessments, he shall enter into a good and sufficient bond, with sufficient surety, approved by the Commissioners in an amount to be fixed by the Commissioners and conditioned upon the faithful performance of his duties in the collection of taxes and street assessments, and upon the further condition that he will make a true and correct accounting of all monies collected.
- SEC. 15. The Commissioners of the town of East Flat Rock shall cause all money of the town which may be deposited in any bank or banks to be amply secured either by North Carolina State bonds or United States bonds.
- SEC. 16. That the Commissioners of the town of East Flat Rock shall continue to sell as many water taps as they may be able to under the provisions of the contract now existing between the said town and the Board of Water Commissioners of the City of Hendersonville, and all funds so derived from the sale of water taps shall be used for the exclusive purpose of retiring such obligations against said town as may now exist, or may hereafter exist, pursuant to the terms of this act, and for no other purpose.
- SEC. 17. That from and after the ratification of this act, all highways within the corporate limits of the town of East Flat Rock which were county highways prior to the incorporation of the town shall revert to their original status and shall become county highways and shall be maintained in like manner as the other county highways and roads.
- SEC. 18. In the event of a vacancy in any office of the town of East Flat Rock, said vacancy shall be filled by appointment of the Board of Commissioners and any person appointed under this section shall serve until the next regular election of the town of East Flat Rock and until his successor is elected and qualified.
- SEC. 19. Except as restricted by this act, the Commissioners of the town of East Flat Rock shall have the same power as heretofore held.
- SEC. 20. That all laws and clauses of laws in conflict with this act are hereby repealed, and no act of the present Assembly shall be construed to repeal any part hereof; unless this act is expressly referred to by both House and Senate numbers.
- SEC. 21. That this act shall be in full force and effect from and after its ratification.
- Ratified this the 11th day of March, A.D., 1931.

Commission.

Bond.

Deposits and security to be demanded.

Sale of water taps.

Application of proceeds.

Disposition of highways.

Vacancy appointments.

Powers of Town Commissioners.

Conflicting laws repealed.

CHAPTER 67

AN ACT TO AMEND CHAPTER THREE HUNDRED SIXTY-EIGHT OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND ELEVEN AND CHAPTER TWO HUNDRED AND THREE OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND SEVENTEEN RELATING TO THE POLICE COURT FOR THE TOWN OF CANTON, COUNTY OF HAYWOOD.

The General Assembly of North Carolina do enact:

Ch. 368, Public-Local Laws, 1911, amended.

SECTION 1. That Section Four of Chapter Three Hundred Sixty-Eight of the Public-Local Laws of One Thousand Nine Hundred Eleven be, and the same is hereby, repealed.

Ch. 203, Public-Local Laws 1917, amended.

SEC. 2. That Section Two of Chapter Two Hundred and Three of the Public-Local Laws of One Thousand Nine Hundred Seventeen be, and the same is hereby, repealed.

Salary of Police Justice in Canton \$50 per month.

SEC. 3. That in lieu of said Section Four of Chapter Three Hundred Sixty-Eight of Public-Local Laws of One Thousand Nine Hundred and Eleven and Section Two of Chapter Two Hundred and Three of the Public-Local Laws of One Thousand Nine Hundred and Seventeen, said police justice shall receive as compensation for his services the sum of Fifty (\$50.00) Dollars per month, same to be paid monthly by the Treasurer of the Town of Canton; that there shall be taxed in the bill of costs the sum of One (\$1.00) Dollar for trial and judgment in all cases where costs are taxable by law, including judgments for penalties and forfeitures, and there shall be taxed in the bill of costs the sum of One (\$1.00) Dollar against each person convicted or bound to the Superior Court as jail fees, *Provided* such defendant has been locked up in the city jail. That said fees provided in this Section shall be paid to the Treasurer of the Town of Canton for the purposes of defraying the salary of the police justice and for other necessary expenses in connection with the Court.

Salary fees chargeable in bill of costs.

Jail fees.

SEC. 4. That the Treasurer of the Town of Canton shall pay for all meals and board where a defendant is locked up in the city jail and the defendant acquitted, except in such cases where the prosecutor can be taxed with the costs.

Forfeiture of bonds.

SEC. 5. That in addition to the jurisdiction heretofore conferred on said Court, said police justice shall have jurisdiction to try all actions for the recovery of any forfeited bond made returnable to said Court, and that execution may issue from said Court on any judgment rendered on any forfeited bond, and said Court may issue a transcript of said judgment, and said transcript may be docketed in the Superior Court of Haywood County the same as transcripts of judgments from Jus-

Transcripts of judgments.

tice of Peace Court, and when said judgment is so docketed, it shall become a judgment of the Superior Court as provided for judgments of the Justice of the Peace.

SEC. 6. That there shall be a Solicitor of said Recorder's Court, who shall serve for a term of two years, and who shall be elected at the regular municipal election in May, One Thousand Nine Hundred and Thirty-One and every two years thereafter at the regular city election, and whose duty it shall be to prosecute all actions in said Court.

Solicitor to be elected biennially.

SEC. 7. That the Solicitor shall receive as his compensation the sum of One Dollar Fifty Cents (\$1.50) for each case prosecuted by him where the defendant is convicted or where the defendant is bound to the Superior Court, and in all cases where the costs are taxable, same to be taxed in the bill of costs.

Duties.

To receive fee of \$1.50 in each conviction or binding over.

SEC. 8. That all laws or parts of laws in conflict with any of the provisions of this act be, and the same are hereby, repealed.

Conflicting laws repealed.

SEC. 9. That the provisions of this act shall be effective from and after the regular municipal election for the Town of Canton to be held in May, One Thousand Nine Hundred Thirty-One.

Effective after ensuing municipal elections.

Ratified this the 11th day of March, A.D., 1931.

CHAPTER 68

AN ACT TO PROVIDE A BOXING COMMISSION AND REGULATE BOXING IN THE CITY OF BURLINGTON.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Aldermen of the City of Burlington is hereby empowered, and authorized to appoint a Boxing Commission, to consist of five citizens of the said City, who may serve for a period not to exceed that of the Board of Aldermen appointing said Commission, and who may be removed at the pleasure of the governing body of the said City, and who shall serve without compensation.

Boxing Commission authorized for Burlington.

SEC. 2. That it shall be lawful, by and with the consent and permission of the said Boxing Commission of the City of Burlington, to engage in, manage, or promote boxing exhibitions in the City of Burlington, which do not exceed eight rounds in length; *Provided, always*, that the Boxing Commission shall have full power and authority to stop said exhibitions and/or to make such rules and regulations as in its discretion may be necessary for the proper regulation of such boxing exhibitions, even after consent has been given for the holding of such boxing exhibitions; *Provided, further*, that no boxing exhibition shall be given unless at least two of said members of the Boxing Commission attend the same.

To serve without pay.

Boxing matches allowed with permission and under supervision of Commission.

Staging matches without consent of Commission or violation of rules adopted by Commission made misdemeanor.

Punishment.

Conflicting laws repealed.

SEC. 3. That any person or persons who may be engaged in, manage or promote any such boxing exhibition or sparring match, without first having obtained the written consent of said Boxing Commission, and/or any person or persons violating any of the rules and regulations of the said Commission, or refusing to obey the orders of the said Commission, or violating any order, resolution or ordinance which may be passed by the governing body of the said City, with reference to the same, shall be guilty of a misdemeanor and shall be fined not more than five hundred (\$500.00) dollars, or imprisoned not more than six months, in the discretion of the Court.

SEC. 4. This Act shall apply only to the City of Burlington.

SEC. 5. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 6. That this Act shall be in force from and after its ratification.

Ratified this the 12th day of March, A.D., 1931.

CHAPTER 69

AN ACT TO AMEND CHAPTER ONE HUNDRED SEVENTY-FIVE OF THE PRIVATE LAWS OF ONE THOUSAND EIGHT HUNDRED FIFTY-TWO, AS AMENDED BY CHAPTER TWO HUNDRED TWENTY-THREE OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED ONE, OF THE STATE OF NORTH CAROLINA, RELATING TO THE MANAGEMENT AND CONDUCT OF THE AFFAIRS OF OAKDALE CEMETERY COMPANY.

The General Assembly of North Carolina do enact:

Ch. 175, Private Laws 1852; and ch. 223, Private Laws 1901, amended, providing for Board of Directors for Oakdale Cemetery Company.

Election.

SECTION 1. That from and after the ratification of this Act the affairs of Oakdale Cemetery Company shall be governed and managed by a board of seven directors, who shall be elected by a majority vote at an annual meeting to be held on the second Monday in January of each year. At said meeting, twenty-five lot owners of said Cemetery, represented in person or by proxy, shall constitute a quorum, but no lot owner, irrespective of the extent of his holdings, shall be entitled to cast more than one vote, which may be cast either in person or by proxy. Said directors shall elect a president, and such other officers as they deem necessary for the proper management of the affairs of the said corporation.

May appoint bank as Trustee of "Perpetual Agreement Fund" instead of three trustees.

SEC. 2. That the Directors of the said Corporation may, in their discretion, appoint in lieu of the three trustees, as now provided by the charter of the Company, some bank or trust company, authorized by law to do a general trust business, and

is engaged in business in the City of Wilmington, N. C., as Trustee of the "Perpetual Agreement Fund" of said Cemetery, and if, in their discretion, they do so elect to appoint such bank or trust company as trustee, said new trustee shall have and possess, and shall be subject to the powers and duties of the present Trustees, and the present Trustees of said "Perpetual Agreement Fund" are hereby directed to turn over to the said bank or trust company, as trustee, when appointed, all of the securities, bonds, notes, mortgages, other papers, and cash on hand, that they have in their possession, and said bank or trust company shall give the present Trustees a receipt in full for same, which shall operate as a release and discharge of said present Trustees of any liability for said funds or securities.

Powers and duties.

SEC. 3. Said Directors shall have the power to fill any vacancy occurring in the office of Trustee, occasioned by refusal to act, resignation, by removal from office, or otherwise, and to appoint another bank or trust company in its stead. Said Directors shall have the further power to pay reasonable compensation to any Trustee so appointed under the powers conferred by this Act.

Compensation.

SEC. 4. That all laws and clauses of laws in conflict with the provisions of this Act be, and the same are hereby repealed.

Conflicting laws repealed.

SEC. 5. That this Act shall be in force from and after its ratification.

Ratified this the 12th day of March, A.D., 1931.

CHAPTER 70

AN ACT TO AMEND CHAPTER ONE HUNDRED EIGHT PRIVATE LAWS, ONE THOUSAND EIGHT HUNDRED NINETY-ONE, RELATING TO BIENNIAL ELECTIONS IN THE TOWN OF PIKEVILLE, WAYNE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section three of chapter one hundred and eight, Private Laws, one thousand eight hundred and ninety-one, be and the same is hereby amended by striking out the word "annually" in line three of said section and inserting in lieu thereof the word "biennially."

Ch. 108, Private Laws 1891, amended, relating to town elections in Pikeville.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this act shall be in full force and effect from and after the first Monday in May, one thousand nine hundred and thirty-one.

Effective May, 1931.

Ratified this the 12th day of March, A.D., 1931.

CHAPTER 71

AN ACT TO AMEND CHAPTER TWENTY-TWO OF THE PRIVATE LAWS OF EXTRA SESSION OF ONE THOUSAND NINE HUNDRED AND TWENTY-FOUR TO REGULATE BOXING IN HIGH POINT.

The General Assembly of North Carolina do enact:

Ch. 22, Private Laws ex-1924, amended, as to boxing in High Point, Thomasville and Lexington.

SECTION 1. That section four of chapter twenty-two of the Private Laws of the Extra Session of one thousand nine hundred and twenty-four be amended to read as follows:

"That the provisions of this act shall also apply to the city of High Point, Thomasville, and Lexington."

SEC. 2. That this act shall be in full force and effect from and after its ratification.

Ratified this the 12th day of March, A.D., 1931.

CHAPTER 72

AN ACT TO PROVIDE FOR A HOSPITAL IN RANDOLPH COUNTY AND TO INCORPORATE THE SAME.

The General Assembly of North Carolina do enact:

Randolph Hospital incorporated; names of members of corporation.

SECTION 1. That C. C. Cranford of Asheboro, North Carolina, E. C. Williamson of Liberty, North Carolina, T. F. Bulla of Asheboro, North Carolina, G. H. Sumner of Asheboro, North Carolina, D. B. McCrary of Asheboro, North Carolina, W. L. Ward of Asheboro, North Carolina, Arthur Ross of Asheboro, North Carolina, W. J. Armfield, Jr., of Asheboro, North Carolina, N. M. Cranford of Asheboro, North Carolina, J. A. Spence of Asheboro, North Carolina, E. C. Watkins of Ramseur, North Carolina, W. F. Redding, Sr., of Asheboro, North Carolina, L. H. Smith of Liberty, North Carolina, Hugh Parks of Asheboro, North Carolina, H. C. Jones of Asheboro, North Carolina, A. B. Beasley of Randleman, North Carolina, J. T. Redding of Randleman, North Carolina, R. F. D., L. A. Hughes of Asheboro, North Carolina, M. I. Ellis of Asheboro, North Carolina, and Doak Finch of Thomasville, North Carolina, their successors and associates, be and they are hereby associated in a corporation, with all the rights and privileges and subject to all the requirements of the general laws of the State of North Carolina relative to corporations except as herein otherwise expressly provided.

Name of corporation.

SEC. 2. The name of the corporation is Randolph Hospital, Incorporated.

Location of principal office.

SEC. 3. The location of the principal office of the corporation in this State is and shall be at Asheboro, North Carolina.

SEC. 4. Of the persons mentioned in Section One hereof, C. C. Cranford is designated by reason of the fact that he is Mayor of the Town of Asheboro, E. C. Williamson is designated by reason of the fact that he is Chairman of the Board of Commissioners of Randolph County, North Carolina, T. F. Bulla is designated by reason of the fact that he is County Superintendent of Schools of Randolph County, North Carolina, and G. H. Sumner is designated by reason of the fact that he is the County Health Officer of Randolph County, North Carolina.

Ex-officio members.

They shall severally be members of said corporation as long as they retain the official positions above mentioned. When they, or any one of more of them, cease to hold said positions their successors, respectively, shall become members in their places.

Successors of ex-officio members.

SEC. 5. As soon as they reasonably can after the ratification of this Act, the aforesaid persons shall meet at Asheboro, North Carolina, upon five (5) days notice which shall be signed by not less than twenty-five per cent (25%) of the above members, and mailed to the other members, fixing the time and place of meeting. Notice mailed to the members at the above addresses at least five (5) days prior to the time designated in the notice, shall be sufficient notice of the meeting. A majority of the members shall constitute a quorum, and shall be authorized to act and effect an organization of the corporation. Said meeting may be adjourned from time to time until a quorum is obtained and an organization effected. The corporation shall elect a President, a Vice-President, a Secretary and a Treasurer, and such other officers and such committees as shall be determined by the members.

Organization meeting.

Notice.

Quorum.

Election of officers.

SEC. 6. Of the members above mentioned, D. B. McCrary, W. L. Ward, W. J. Armfield, Jr., N. M. Cranford and J. A. Spence shall hold their memberships, respectively, for the term of six (6) years next following the ratification of this act, and until their successors shall be elected and qualified; E. C. Watkins, W. F. Redding, Sr., L. H. Smith, Hugh Parks and H. C. Jones shall be members for the term of four (4) years respectively, and until their successors are elected and qualified; and A. B. Beasley, J. T. Redding, L. A. Hughes, M. I. Ellis and Doak Finch shall be members for the term of two (2) years and until their successors are elected and qualified.

Terms of office of members.

SEC. 7. The members of the corporation shall have the right and power to appoint successors to any members who shall die, resign, refuse to act, or in any way become disqualified, and also to those whose terms shall expire as herein provided. They shall also have the right to elect additional members; *Provided*, the total membership at any one time shall not exceed twenty-five (25) members, and upon the election of any additional members

Vacancy appointments.

Maximum membership.

Terms expire in relays.	their terms of office shall be so arranged and designated, that, as near as may be, the terms of membership of one third ($\frac{1}{3}$) of the members (exclusive of those who are members by virtue of the public offices they hold, as above recited), shall expire every two years.
Objects.	SEC. 8. The objects for which this corporation is formed are:
Hospital.	(a) To maintain and operate an institution for the treatment of sick people under the direction and supervision of skilled physicians and surgeons.
Nursing.	(b) To provide an adequate nursing service for the patients of the hospital and to establish and maintain a school for the training of professional nurses.
To make rules and regulations.	(c) To promulgate suitable rules governing the qualifications and conduct of those who render professional services to the sick people who come to the hospital for advice and treatment, and, in accordance with such rules and regulations, to provide for the organization of a medical staff composed of those physicians and surgeons who are permitted to practice in the hospital, which staff shall be known as the medical staff of the hospital. The duties of the medical staff shall be to consider the professional interest of the hospital, to review the professional work of its several departments at regular intervals and to advise the members as to how the professional work of the hospital may be improved.
Medical staff.	
Property rights.	(d) In order to properly prosecute the objects and purposes above set forth, the corporation shall have full power and authority to purchase, lease and otherwise acquire, hold, mortgage, convey and otherwise dispose of, all kinds of property, both real and personal, both in this State and in all other States, territories and dependencies of the United States; and generally to perform all acts which may be deemed necessary for the proper and successful prosecution of the objects and purposes for which the corporation is created.
Employment of subordinates and servants.	The corporation shall have the right, power and authority to employ a Superintendent, nurses and such other officers, employees and servants as may be necessary in the management of the business, and pay them reasonable compensation for their services, but the members of the corporation shall serve without compensation, and no dividend shall be declared or paid to them, or any one else. It is contemplated that reasonable charges will be made for services rendered to patients and others that are able to pay, and the corporation, through its officers and employees, shall have the right to pass upon and determine any
Compensation.	
Reasonable charges to be made.	

and all questions as to the ability of patients to pay, and whether or not patients shall be admitted as charitable patients. Shall there at any time accrue any surplus revenue, the same shall be applied to the improvement of the plant and equipment, to the creation of a reserve for emergencies or to the creation of an endowment, the income from which shall be applied to the above purposes, and to no other purpose whatsoever.

Charitable patients.

Surplus revenue, application of.

SEC. 9. The corporation is to have and issue no capital stock and is to be operated and maintained at actual cost and entirely without profit, making only such charges to its inmates and patients for rooms, beds, attention and services as will be adequate to defray its actual expenses and no more.

No stock to be issued; no profit to be made.

SEC. 10. The period of existence of this corporation is unlimited.

Unlimited existence.

SEC. 11. The Town of Asheboro is hereby authorized, empowered and directed to turn over to the Randolph Hospital, Incorporated, any and all funds derived from bonds for Hospital purposes heretofore issued or provided, or from subscriptions of individuals and corporations for the erection of a Hospital at Asheboro, and any and all unpaid subscriptions for said purpose, and any and all such payments and applications of funds, and subscriptions heretofore made are hereby ratified, approved and confirmed. The corporation may sue for any unpaid subscriptions for such purpose to whomsoever made.

Present funds held by Town of Asheboro to be turned over to corporation.

Subscriptions.

SEC. 12. The Randolph Hospital, Incorporated, is hereby chartered and incorporated for the express purpose of taking over and carrying on the business of purchasing, buying, building, equipping and operating a Hospital at Asheboro, North Carolina, in accordance with, and in the furtherance of the plans adopted by the Board of Commissioners of the Town of Asheboro, North Carolina, as set forth in a resolution of said Board adopted the thirtieth day of October, one thousand nine hundred thirty, and appearing in the current minute book of said Town, beginning at page two hundred seventy-one, and all property, funds and subscriptions in the hands of the Trustees designated in said resolution shall be turned over and delivered to the Randolph Hospital, Incorporated, which shall succeed to any and all rights of said Trustees to property, funds and subscriptions in the hands of said Trustees.

Principal purpose of corporation to build and maintain hospital at Asheboro.

Corporation to succeed present Trustees.

SEC. 13. This act shall be in full force and effect from and after its ratification.

Ratified this the 12th day of March, A.D., 1931.

CHAPTER 73

AN ACT TO AUTHORIZE THE CITY OF DURHAM, DURHAM COUNTY, TO REMOVE CERTAIN GRAVES IN COLORED CEMETERY.

The General Assembly of North Carolina do enact:

Removal of bodies in colored cemetery at Durham authorized.

SECTION 1. That the governing body of the City of Durham, Durham County, is hereby authorized to remove from the colored cemetery, located on Trinity Avenue, said City, as many of the graves in said cemetery as is necessary to widen said Trinity Avenue, as such widening is contemplated and shown on a certain map showing "Property Required for Widening Trinity Avenue at Colored Cemetery, Office Director of Public Works, Durham, North Carolina, January thirty-first, one thousand nine hundred and thirty-one." The bodies in said graves shall be removed to some other place in said colored cemetery or removed to the colored cemetery owned by the City, and all expenses of said removal shall be paid out of the City's treasury.

Expenses borne by City.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this act shall be in full force from and after its ratification.

Ratified this the 12th day of March, A.D., 1931.

CHAPTER 74

AN ACT TO ALLOW THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF WAYNESVILLE TO AID IN REOPENING THE CITIZENS BANK AND TRUST COMPANY.

The General Assembly of North Carolina do enact:

Town of Waynesville authorized to aid in re-opening Citizens Bank and Trust Company by freezing deposits.

SECTION 1. That the Mayor and Board of Aldermen of the town of Waynesville be, and they are hereby fully authorized and empowered to make and enter into a contract with the Citizens Bank & Trust Company, its directors and stockholders to freeze, or not demand, the public funds of the town of Waynesville now on deposit in said bank for a like period of time and under the same conditions that other depositors may agree to which depositors' agreement shall be approved by the Corporation Commission of North Carolina.

Collateral now held unimpaired.

SEC. 2. That nothing in this act shall in any way impair any bonds, collateral papers, notes or other securities held by the town of Waynesville, or any officer thereof, or other person for said town, to secure the deposits of said town in said bank.

Collection and application of securities to deposits.

SEC. 3. That the Mayor and Board of Aldermen of the town of Waynesville be, and they are hereby authorized and em-

powered to collect all notes or other securities held by them, or any person for them, for the purpose of securing the deposits of said town in said bank and apply the proceeds derived from the collection in repayment to said town of the amount due it on the deposits of said town to said bank up to the full amount for which said security was put up to secure, and no further.

SEC. 4. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Conflicting laws repealed.

SEC. 5. That this act shall be in full force and effect from and after its ratification.

Ratified this the 12th day of March, A.D., 1931.

CHAPTER 75

AN ACT TO REPEAL HOUSE BILL ONE HUNDRED AND SEVEN RELATING TO RELIEF OF CERTAIN CITIZENS IN THE INCORPORATED TOWN OF BENTON HEIGHTS, UNION COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That House Bill One Hundred and seven (107), at the present session of the Legislature, entitled "An Act to Amend Chapter One Hundred and Ninety-one, Private Laws of One Thousand Nine Hundred and twenty-seven, for the relief of certain citizens of the incorporated town of Benton Heights, Union County," be, and the same is, hereby repealed.

H. B. No. 107,
Private Laws
1931, repealed.

SEC. 2. This act shall take effect from and after its ratification.

Ratified this the 13th day of March, A.D., 1931.

CHAPTER 76

AN ACT TO PROHIBIT STOCK AND CATTLE FROM RUNNING AT LARGE IN THE VILLAGE OF PORTSMOUTH, CARTERET COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That from and after August first, one thousand nine hundred and thirty-one, it shall be unlawful for any person, firm or corporation to permit to run free and/or at large, any horses, cattle, sheep, hogs or goats in the Village of Portsmouth, Carteret County; and for the purpose of this act the boundaries of the said Village shall include that territory lying between what is locally known as "Evergreen Creek" and "Ocracoke Inlet."

Cattle and stock prohibited from running at large in Portsmouth.

Boundaries.

Violation made
misdemeanor.

SEC. 2. Any person, firm or corporation violating the provisions of this act shall be guilty of a misdemeanor and upon conviction shall be fined not less than fifty dollars or imprisoned not less than thirty days.

General law ap-
plicable.

SEC. 3. That all of the provisions of the General Law with reference to "Impounding Stock at Large" shall apply with equal force to this act.

Conflicting laws
repealed.

SEC. 4. All laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Effective August
1, 1931.

SEC. 5. This act shall be in full force and effect from and after August first, one thousand nine hundred and thirty-one.

Ratified this the 13th day of March, A.D., 1931.

CHAPTER 77

AN ACT TO VALIDATE SPECIAL ELECTION OF THE TOWN OF MOREHEAD CITY FOR ACQUISITION OF MUNICIPAL HOSPITAL AND TO PROVIDE FOR PAYMENT.

Preamble: Special
election in More-
head City for pur-
chase of muni-
cipal hospital.

Whereas, upon petition duly presented September fifteenth, nineteen hundred and twenty-seven, under the provisions of Chapter one hundred and nineteen, Article Two, Part One, of the Consolidated Statutes of North Carolina, as amended, the board of commissioners of the Town of Morehead City, by resolution duly and regularly adopted, authorized and caused to be held a special election in said Town on December tenth, nineteen hundred and twenty-seven, for the qualified electors of the said Town to pass upon the question of levying an annual tax for the establishment and maintenance of a public hospital for and in the said Town; and

Whereas, pursuant to said resolution, a special registration was ordered and had; and

Election carried.

Whereas, at the time of the said special election an overwhelming majority of the qualified electors voted in favor of the establishment and maintenance of a public hospital in and for the said Town of Morehead City; and

Election certified.

Whereas, the results of the said special election were regularly certified to and approved by the board of commissioners of the said Town; and

Purchase of prop-
erty and election
of trustees.

Whereas, pursuant to said election and under the law controlling, trustees for said hospital were regularly appointed and qualified on February twenty-fourth, nineteen hundred and twenty-eight, and thereafter upon recommendation of said board of trustees the Town of Morehead City, through its governing authorities, entered into contract for the purchase of that property, with its paraphernalia and equipment, and at that

- time known as "The Morehead City Hospital" for the agreed purchase price of sixty-five thousand dollars, and caused to be executed and delivered to it a warranty deed with full and regular covenants, and thereupon entered into possession of the said property, and by proper and regular authorization by the said board of commissioners and law controlling, and under the direction and supervision of said board of trustees, actively entered upon the conduct and operation of the said hospital as a municipal hospital, and since that time has continued to operate the said hospital as a municipal hospital; and
- Whereas*, beginning with the year nineteen hundred and twenty-eight the said Town of Morehead City through its governing authorities has caused to be levied from year to year, a tax, authorized by Public Laws of nineteen hundred and twenty-three, to provide funds to retire bonds for the purchase of the said hospital; and
- Whereas*, the Duke Endowment in the furtherance of its policy to aid in the acquisition and maintenance of public hospitals has contributed the sum of thirty thousand dollars to be applied as a part of the purchase price, and which sum of thirty thousand dollars has been paid to the original owners of said hospital; and
- Whereas*, upon recommendation of the United States Public Health Department the United States Government has designated the said hospital as a United States Public Health Hospital, with the benefits and subsidies thereby and thereunder accruing; and
- Whereas*, the Town of Morehead City caused to be issued to and in favor of the original owners of the said hospital its promissory notes evidencing balance of purchase price, with interest, and which said notes evidencing said purchase price balance are still outstanding and unpaid; and
- Whereas*, there has arisen some question as to the validity and legality of proceedings heretofore had by the Town of Morehead City in the calling of the said special election, the registration thereunder, the election itself, and the outstanding notes aforesaid; and
- Whereas*, it is the expressed purpose and desire of the governing authorities of the said Town to have validated and confirmed all acts and things done and performed relating to the purchase of the said hospital and the payment therefor; and
- Whereas*, it is necessary that the rights and equities of all of the parties interested be adjusted through the payment by the said Town of the said outstanding notes; *Now, Therefore,*
- The General Assembly of North Carolina do enact:*
- Purchase price.
- Operation of hospital.
- Special tax to cover bonds issued.
- Aid from Duke Endowment.
- Aid from U. S. Government.
- Promissory notes to former owners.
- Question as to validity of special election.
- Desirability of validating election.

Special election validated.

SECTION 1. That all acts and resolutions of the board of commissioners of Morehead City relating to the calling of the special election on December tenth, nineteen hundred and twenty-seven, for the acquisition of a municipally owned hospital, the registration thereunder, and the special election so held, be and the same hereby are approved, validated and confirmed. All outstanding notes or other evidences of indebtedness heretofore issued or incurred by the said Town of Morehead City as a result of the said special election are hereby legalized, validated and approved.

Purchase price notes also validated.

Unappropriated funds directed to be used to pay off notes.

SEC. 2. The board of commissioners of the said Town of Morehead City are hereby authorized and directed to pay said outstanding notes evidencing balance due on purchase price of said hospital from any unappropriated funds now in the treasury of said Town or which may hereafter come into the treasury of said Town from the sale of any public utilities or other public property or properties of the said Town, and the proceeds of which sale have not already been appropriated or authorized for other public use or purposes: *Provided, however,* should no unappropriated funds in and/or from the treasury be available as above set out the Town of Morehead City is hereby authorized and empowered to issue bonds for aforesaid purposes as provided for in the State-wide law, and to be retired by a tax to be levied upon all the taxable property of the said Town at a rate not exceeding the maximum levy authorized by law at the time of the said special election.

Proceeds from sale of public utilities may be so used.

Bonds may be issued in absence of unappropriated funds.

Constitutional parts of act upheld.

SEC. 3. If any section or part of this act shall be declared illegal or unconstitutional, the illegality or unconstitutionality of such section or part shall not affect the remaining sections or parts of this act; but this act shall be liberally construed in favor of the power and authority of the Town of Morehead City to retire by payment the outstanding notes, with interest, evidencing balance of purchase price of said hospital.

Act liberally construed.

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 5. That this act shall be in full force and effect from and after its ratification.

Ratified this the 13th day of March, A.D., 1931.

CHAPTER 78

AN ACT TO AMEND CHAPTER TWO HUNDRED AND THIRTY-ONE OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-SEVEN OF NORTH CAROLINA, RELATIVE TO ELECTIONS IN THE CITY OF SALISBURY, AND DEFINING CERTAIN RIGHTS AND DUTIES OF THE CITY COUNCIL.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter two hundred and thirty-one of the Private Laws of one thousand nine hundred and twenty-seven of North Carolina be and the same is hereby amended by repealing all of sections twenty-one, twenty-two, twenty-four, and twenty-five thereof.

Ch. 231, Private
Laws 1927,
amended.

SEC. 2. That all candidates of each and every political party to be voted for at all general municipal elections to be held in the City of Salisbury at which time members of the city council and/or any other elective officers of said city are to be elected, shall be nominated by a party primary election; and no other names or candidates shall be placed upon the general ballots to be voted at the general municipal election of said city than the names of those nominated in such primary election in the manner hereinafter prescribed.

Candidates for
municipal offices
in Salisbury to be
nominated by
party primaries.

SEC. 3. The primary election for such nominations shall be held in said City of Salisbury on the second Monday preceding all general municipal elections. Such primary election shall be conducted, as far as practicable, in all things and in all details in accordance with the general laws of this State governing State and county primary elections, except where the provisions of same are inconsistent with this act. The expenses of such primaries shall be paid by the City of Salisbury.

Time of primary.

SEC. 4. Every candidate for selection as the nominee of any political party for the office of councilman, and any other elective officer to be voted for in such primary elections, shall file with the Rowan County Board of Elections, at least ten days before such primary election is to be held, a notice and pledge substantially in the following form, the blanks being properly filled in and the same to be signed by the candidates: "I hereby file my notice as candidate for the nomination as _____ in the primary election to be held in the City of Salisbury on the _____ day of _____. I affiliate with the _____ party; and I hereby pledge myself to abide by the results of said primary, and to support in the next general municipal election of said city all candidates nominated by said _____ party." And he shall at the same time pay to the chairman of said

Expenses borne
by City.

Filing of can-
didacies for pri-
mary.

Pledge.

Filing fee of \$5. County Board of Elections the sum of five dollars to be delivered by him to the treasurer of said city.

Australian Ballot Law applicable to primary.

SEC. 5. The provisions of chapter one hundred and sixty-four, Public Laws of one thousand nine hundred and twenty-nine of North Carolina, being the Australian Ballot law, shall apply to such primary elections, except that such primary elections shall be held under the jurisdiction of the County Board of Elections of Rowan County. The said County Board of Elections shall appoint the registrars and judges to hold such primary elections, and shall prepare and distribute ballots therefor, canvass the returns and declare the results of such primary elections, as now provided by the State law governing State and county primaries.

Details of primary.

Registration and challenges.

SEC. 6. The time for registration, the challenges and the practice in challenges, for such primary elections, shall be as prescribed for municipal corporations in sections two thousand six hundred and fifty-seven, two thousand six hundred and fifty-nine, and two thousand six hundred and sixty, respectively, of Consolidated Statutes of North Carolina.

Qualifications of voters.

SEC. 7. The persons registered who are qualified to vote at the succeeding general municipal election of said city shall be qualified to vote at such primary election, and shall be subject to challenge made by any resident of the city, and such challenge shall be passed upon by the registrar and judges of election of the respective ward of the person challenged.

Challenging.

Separate ballots for political parties.

SEC. 8. In such city primary there shall be a separate ballot for each political party and of different colors. The County Board of Elections of Rowan County shall designate the color of the respective party ballot. A square shall be to the left of the name of each candidate in which the voter may make a cross mark (x) indicating his choice for each candidate. On the back of each ballot in such primary election there shall be printed:

“Official City Ballot for Primary Election,

“City of Salisbury, North Carolina.”

(Date of primary election.)

(Facsimile of signature of chairman of Board of Elections for Rowan County.)

Make-up of ballots.

Five nominees from each party.

The five persons receiving in the primary election the highest number of votes of their respective party shall be deemed the nominees of their party for city councilmen, to be voted for in the next general municipal election.

Certification of nominees.

SEC. 9. The chairman of the County Board of Elections of Rowan County, within five days after the results of such primary election have been declared, shall certify under his hand and seal to the city clerk of Salisbury the names of the successful five nominees of the respective political parties for councilmen

of said city. And only those who have been so certified as the nominees of their political party shall have their names printed on the official ballot for that respective political party to be voted for at the next general municipal election for said city. The nominees of each political party shall be printed on a separate ballot for each political party for the general municipal election, said ballots to be of different colors of paper. The Democratic ballots shall be printed on white paper, and the Republican ballot on blue paper. Upon the face of the Democratic ballot near the top shall be printed in heavy black type the word: "DEMOCRATIC." The emblem of an eagle shall be printed under the word, "democratic"; and under the eagle shall be printed a circle, with the instructions: "For a straight ticket mark within this circle." Upon the face of the Republican ballot shall be printed in heavy black type the word: "REPUBLICAN." The emblem of an elephant shall be printed under the word, "republican"; and under the elephant shall be printed a circle, with the instructions: "For a straight ticket mark within this circle." Upon each ballot for city councilmen shall be printed the words: "For city councilmen." "Vote for five." And each ballot shall contain the following instructions:

Separate ballots
for election.

Description of
ballots.

"INSTRUCTIONS"

"1. To vote a straight ticket make a cross (x) mark in the circle of the party you desire to vote for. Instructions.

"2. To vote for some but not all the candidates of one party, make a cross (x) mark in the square at the left of the name of every candidate printed on the ballot for whom you wish to vote. If you mark any one candidate, you must mark all for whom you wish to vote. A mark in the circle will not be counted if any one candidate is marked."

A square shall be printed to the left of the name of each candidate in which the voter may make a cross (x) mark indicating his choice for each candidate.

The city clerk shall cause ballots for the general municipal election of said city to be printed as herein provided, authenticated with a facsimile of his signature. The ballots for the general municipal election shall contain only the names of all candidates who have been put in nomination by the primary election hereinabove provided, and shall be delivered by the city clerk to the several registrars of the city. Upon the back of each ballot shall be printed the following endorsement, the blanks being properly filled:

Printing and
distribution of
ballots.

"Official City Ballot for General Municipal Election.

"Salisbury, North Carolina."

(Date of city election.)

(Facsimile of signature of city clerk of Salisbury.)

General law applicable to municipal elections.

SEC. 10. All general municipal elections held in the City of Salisbury shall be held under and governed by the provisions of Chapter fifty-six of the Consolidated Statutes of North Carolina, and chapter one hundred and sixty-four of the Public Laws of one thousand nine hundred and twenty-nine of North Carolina, being the Australian Ballot law, and amendments thereto, except as otherwise provided in this act.

Law again amended.

SEC. 11. That section twenty-three of chapter two hundred and thirty-one of the Private Laws of one thousand nine hundred and twenty-seven be amended by adding at the end of said section the following: "Hereafter the terms of office of the members of the city council and all other elective officers shall begin on July first, following their election. If July first comes on Sunday, then the term of office of all elective officers shall begin the following day. All members of the city council and all other elective officers shall be inducted into office and take their respective oaths of office in the city hall, on the day their terms of office begin, at eleven o'clock in the morning."

Term of office of officers.

Induction and oath of office.

Law again amended, as to appointment of City Attorney.

SEC. 12. Amend section thirteen of chapter two hundred and thirty-one of Private Laws of one thousand nine hundred and twenty-seven by adding after the period in line fourteen and after the word "council" and before the word "All", the following: "The city council shall elect a city attorney and".

Law again amended.

SEC. 13. That all of section fifteen of chapter two hundred and thirty-one of the Private Laws of one thousand nine hundred and twenty-seven be and the same is hereby stricken out and the following inserted in lieu thereof: "Except as provided in the charter, the city council shall determine what departments, officers and employees are necessary for the proper administration of the governmental affairs of the city, and such officers and employees shall be appointed or removed by the city manager, but no head or superintendent of a department shall be appointed or removed, except such appointment or removal is first submitted by the city manager to the city council, in writing, and approved or confirmed by a vote of the city council, and the action of the city council on such appointment or removal shall be final. Except as herein provided, the city manager shall report all appointments or removals of employees to the council at the next meeting thereof following any such appointment or removal. All salaries shall be fixed or approved by the council. The city council may, by ordinance, provide for the appointment of special or standing committees, and may assign to such committees whatever duties may be deemed advisable by the city council. All officers and employees of the city shall perform such duties as may be required of them by the city manager, subject,

Administrative departments and employees.

Duties of City Manager.

Salaries.

Committees.

however, to the general supervision and control of the city council."

SEC. 14. That section thirty-five of chapter two hundred and thirty-one of the Private Laws of one thousand nine hundred and twenty-seven be and the same is hereby amended by adding thereto and at the end thereof, the following: "The city council may, by ordinance, provide for the payment and collection of all city taxes in monthly or other installments."

Law again amended.

SEC. 15. That section thirty-seven of chapter two hundred and thirty-one of the Private Laws of one thousand nine hundred and twenty-seven be and the same is hereby amended by striking out the word "February" in line three of said section thirty-seven, and inserting in lieu thereof the word "April."

Payment of taxes in installments.

Law again amended.

SEC. 16. That all laws and clauses of laws in conflict with this act are hereby repealed.

Conflicting laws repealed.

SEC. 17. That this Act shall be in full force and effect on and after the first day of March one thousand nine hundred and thirty-three.

Effective March 1, 1933.

Ratified this the 13th day of March, A.D., 1931.

CHAPTER 79

AN ACT TO REPEAL CHAPTER TWO HUNDRED SEVENTY-NINE, PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED SEVEN, INCORPORATING THE TOWN OF CHERRY IN WASHINGTON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter two hundred and seventy-nine, Private Laws of one thousand nine hundred and seven, incorporating the Town of Cherry in Washington County, and all acts amendatory thereto, be and the same are hereby repealed.

Ch. 279, Private Laws 1907, incorporating Town of Cherry, repealed.

SEC. 2. That all laws and clauses of laws in conflict with this act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this act shall be in force and effect from and after its ratification.

Ratified this the 14th day of March, A.D., 1931.

CHAPTER 80

AN ACT TO CREATE RALEIGH AUDITORIUM BUILDING COMMISSION.

The General Assembly of North Carolina do enact:

SECTION 1. That there is hereby created a Commission to be known as Raleigh Auditorium Building Commission, to be composed of the following persons, viz: Frank Page, Chairman,

Raleigh Auditorium Building Commission created; personnel.

John A. Park, Secretary, and Josephus Daniels. The members of said Commission shall serve without compensation and their duties shall be as herein designated. The said Commission shall be without power or authority unless and until the voters of the City of Raleigh shall authorize the issuance of bonds for the purpose of erecting an auditorium for municipal purposes in the City of Raleigh, in the election which has heretofore been called to be held on the twenty-fourth day of March, one thousand nine hundred and thirty-one, or at such other election as may hereafter be called for such purpose. That in addition to said Auditorium Building Commission there is hereby created the Raleigh Auditorium Advisory Commission to advise with and assist the said Building Commission, such Advisory Commission to be composed of the following: Graham H. Andrews, Chairman, J. Sherwood Upchurch, J. R. Weatherspoon, Charles Ruffin, E. B. Crow, H. O. Lineberger, C. B. Barbee, Leon S. Brassfield, Mrs. W. T. Bost, Mrs. J. W. Bunn and Mrs. Frank Capps.

Dependent upon outcome of pending bond election.

Raleigh Auditorium Advisory Commission created; personnel.

Building Commission to supervise erection of new auditorium.

Limitation of cost.

Construction contracts.

Funds to be held in Auditorium Construction Account.

SEC. 2. That in the event the said issuance of bonds for such purpose is authorized by a vote of the people of the City of Raleigh at such election, and such bonds are in pursuance thereof duly issued and sold, the said Raleigh Auditorium Building Commission hereby created, shall be vested with full and exclusive authority to erect and construct in the City of Raleigh, an auditorium for municipal purposes, and such Commission shall proceed with all due dispatch after the issuance and sale of such bonds, to have the necessary plans prepared for such buildings, and to let the necessary contracts for the construction thereof: *Provided, however,* the said Commission shall have no power or authority to make any contract or agreement or to incur any obligation whatsoever in connection with the construction of said auditorium building in excess, in the aggregate, of the net proceeds of the sale of such bonds, plus the amount realized by the City of Raleigh from the insurance on the former auditorium that was destroyed by fire. All contracts executed by the said Commission with respect to the designing and construction of said auditorium for municipal purposes, shall be executed in the name of the said Raleigh Auditorium Building Commission by its Chairman and attested by its Secretary.

SEC. 3. That the entire net proceeds from the sale of said bond issue and the entire amount collected by the said City Commissioners of Raleigh upon fire insurance on account of the destruction of the old auditorium building, shall be held and deposited in a special account in the name of the City of Raleigh and designated as Auditorium Construction Account, said ac-

count to be deposited at the best obtainable interest rate. Said account shall be drawn upon only by means of vouchers in connection with the designing and construction of said auditorium building said vouchers to be signed by the Chairman and the Secretary of the said Auditorium Building Commission and countersigned by the Mayor of the City of Raleigh.

SEC. 4. That the said auditorium shall be known and designated as Raleigh Memorial Auditorium and shall be dedicated as a memorial to the men from Raleigh and Wake County who served in the United States Army and Navy during the World War, and to Wake County veterans of other wars.

SEC. 5. That said auditorium building shall be located either on what is designated as Centennial School site in the City of Raleigh, or on the site of the former auditorium that was destroyed by fire, as may be determined by the voters of the City of Raleigh in a preferential election to be held on the same date on which the said bond issue shall be voted on, to-wit, the twenty-fourth day of March, one thousand nine hundred thirty-one, for the purpose of ascertaining the will of the voters of the City of Raleigh at said election, on the question of the site for the said Auditorium. A separate ballot box shall be provided at each voting precinct to be designated as Ballot Box on Auditorium Site, and also there shall be provided by the Commissioners of the City at each of the voting precincts a sufficient number of ballots on said question of the site of said auditorium, said ballot to be separate, printed ballots, on one of which shall be printed the words "For Centennial School Site," and on the other shall be printed the words "For Old Auditorium Site." If at said election a majority of the votes cast shall be for the Centennial School Site, then the location of the said auditorium shall be on said Centennial School site. If at said election a majority of the votes cast shall be for the old auditorium site, then the location of the said auditorium shall be on said old auditorium site. The Commissioners of the City of Raleigh shall give notice of said preferential election with reference to said auditorium site by publication of such notice at least seven days prior to the date of said election. Only qualified electors may vote on the question of the said site.

SEC. 6. The said Building Commission in its discretion and within the limits of the funds available as herein provided, may include in the construction of the said auditorium building such rooms and offices as may be beneficially used in connection with said auditorium or for other municipal purposes.

SEC. 7. Any vacancy occurring on the said Building Commission shall be filled by the Commissioners of the City of Raleigh.

Designation of new building as Memorial Auditorium in memory of ex-service men.

Site of new building to be determined by voters.

Separate ballot box.

Ballots.

Rooms and offices in new building may be provided.

Vacancies on Commission.

Members of Commission incur no individual liability.

SEC. 8. No personal or individual liability shall be imposed upon or devolve upon any member of the said Commission in connection with or arising out of any contracts made or obligations incurred by said Commission in connection with the construction of said auditorium building.

Sale of old site in event new site is selected.

SEC. 9. In the event the Centennial School site is selected by the voters as the site for the new auditorium, then the Commissioners of the City of Raleigh are authorized and directed to sell the site on which the old auditorium stood at such time as the said property will in the judgment of the said City Commissioners, bring a fair and reasonable price, such sale to be made in accordance with the provisions of the charter of the City of Raleigh governing the manner in which municipally owned real estate may be sold, and if no such provisions are made in said charter, then under the general laws of the State. The net amount derived from the sale or rental of such property shall be held as a sinking fund for the payment of the principal and interest on said auditorium bonds; and the said old site of the said auditorium shall not be used or sold for any purpose other than to be applied as a part of the sinking fund for the retirement of said bonded indebtedness.

Application of proceeds.

Conflicting laws repealed.

SEC. 10. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 11. This Act shall be in force from and after its ratification.

Ratified this the 14th day of March, A.D., 1931.

CHAPTER 81

AN ACT TO AMEND AND EXTEND THE CHARTER OF GRACE HOSPITAL, INCORPORATED.

Preamble: Incorporation of Grace Hospital, Inc., of Morganton.

Whereas, on the eighteenth day of January, one thousand nine hundred eight, a certificate of incorporation was duly issued by the Secretary of State of North Carolina to Grace Hospital, Inc., a charitable non-profit corporation without capital stock, created for the purpose of erecting and maintaining a hospital in the Town of Morganton, Burke County, North Carolina, to care for and provide medical and surgical attention and nursing to the sick and afflicted among the poor of all races; and

Incorporators.

Whereas, Edward W. Phifer, Rev. Walter Hughson and Mary H. Hughson, his wife, were the only incorporators of said Grace Hospital; and

Acquisition of valuable real estate.

Whereas, said Grace Hospital, Inc., has since its organization acquired valuable real estate in Burke County, and has erected and now maintains in the Town of Morganton a large and well equipped brick hospital and other buildings used in connection

therewith at a cost of approximately one hundred fifty thousand dollars, and has for many years been ministering without profit to the care of the sick and afflicted of all races and creeds in the community it serves, and the continuance of its charitable ministrations has become a matter of vital interest to all the people of Burke County; and

Whereas, the Rev. Walter Hughson and his wife, Mary H. Hughson, the founders of said institution and two of the original incorporators of Grace Hospital, Inc., are now dead, leaving them surviving their two children, Walter Hughson, Jr., and Mrs. Dorothy Goodell, their next of kin and only heirs at law; and

Whereas, it was the desire of Mrs. Mary H. Hughson, who survived her said husband, and is the desire of her said heirs at law and of Edward W. Phifer, the only living incorporator of Grace Hospital, Inc., that the control, maintenance and management of Grace Hospital, Inc., and of the property which is now owned by said corporation and of such property as it may hereafter acquire be vested in a board of directors to be chosen by the Vestry of Grace Episcopal Church of the Town of Morganton and their successors in office:

The General Assembly of North Carolina do enact:

SECTION 1. That the control and management of Grace Hospital, Inc., a charitable and non-profit corporation, heretofore created, organized and acting under the general laws of the State of North Carolina, be and is hereby vested in a board of not less than five (5) nor more than seven (7) directors, to be elected biennially by the Vestry of Grace Episcopal Church of Morganton, North Carolina, and their successors in office; the first board of directors to be so elected during the month of March one thousand nine hundred thirty-one, and the successors of said directors to be elected biennially during the month of March by the Vestry of said Grace Episcopal Church and their successors in office. The Rector of said Grace Episcopal Church and his successors shall be *ex officio*, a member and chairman of the board of directors of Grace Hospital, Inc. A copy of the resolution of the Vestry of Grace Episcopal Church electing the directors, certified by the chairman and secretary of the Vestry, shall be furnished from time to time to Grace Hospital, Inc., and entered on the minutes of said corporation.

SEC. 2. The directors of Grace Hospital, Inc., shall hold office for two years and until their successors are elected and qualified, and shall have all of the powers conferred upon directors of corporations by the general laws of North Carolina; and said Grace Hospital, Inc., shall, in addition to the powers conferred upon it by its charter, have all of the powers conferred upon

Operation of hospital without profit.

Two of original incorporators now dead.

Advisability of board of directors for Hospital.

Board of Directors authorized.

Number.
Chosen biennially by Vestry of Grace Episcopal Church.

Chairman.

Term of office.

Powers.

Sale or mortgage of property.	corporations by the general laws of the State of North Carolina, and said corporation may sell and convey by deed in fee simple, deed in trust or mortgage, real property heretofore or hereafter conveyed to it (except that tract conveyed by Rev. Walter Hughson, Trustee, to Grace Hospital, Inc., by deed dated January twenty-seventh, one thousand nine hundred eight, and registered in the office of the Register of Deeds of Burke County in Book D-three, Page four hundred sixty-four, on which tract Grace Hospital is situate) which the directors may deem it unnecessary to hold for the purposes of the corporation:- <i>Provided</i> the sale or encumbrance of the property so made shall be approved by the Vestry of Grace Episcopal Church and by unanimous vote of the board of directors of Grace Hospital, Inc., by resolutions entered on their respective minutes. The directors of Grace Hospital, Inc., chosen in the manner aforesaid, shall have the power to adopt by-laws for the government of the corporation, to elect such officers, and appoint such agents and/or employees as they may deem best, to fix their compensation and prescribe their several duties. Vacancies in the board of directors, occasioned by death, resignation or otherwise, shall be filled by the Vestry of Grace Episcopal Church for the unexpired term.
Hospital tract excepted.	
Approval by Vestry of Church.	
By-laws.	
Appointment of employees.	
Vacancy appointments.	
Method of amending charter.	
Resolution of Board of Directors.	
Approval of Church Vestry.	
Certificate forwarded to Secretary of State and by him filed in his office.	

SEC. 3. The certificate of incorporation of Grace Hospital, Inc., issued by the Secretary of State of North Carolina on January eighteen, one thousand nine hundred eight, may be from time to time amended to the extent provided by Sections one thousand one hundred thirty-one and one thousand one hundred and thirty-two of the Consolidated Statutes of North Carolina in the following manner: The board of directors of Grace Hospital, Inc., elected and qualified in the manner hereinbefore set forth, shall pass a resolution declaring the amendment is advisable, and shall request the vestry of Grace Episcopal Church of Morganton, North Carolina, to take action thereon. If the vestry of said church shall by vote of two-thirds at least of its members approve said amendment or amendments, a certificate thereof shall be signed by the president and secretary of Grace Hospital, Inc., under its corporate seal, acknowledged as in the case of deeds of real estate, and this certificate, together with a certificate signed by the rector of Grace Episcopal Church and the secretary of the vestry of said church and acknowledged before a notary public, to the effect that at a meeting of the vestry of said church said amendment or amendments were approved by two-thirds at least of the members of said vestry, shall be filed and recorded in the office of the Secretary of State. The certificate of the Secretary of State, under his official seal, that said certificates have been filed in his office, shall be evidence of the amendments so certified in all courts and places; and said

certificate of the Secretary of State shall be recorded in the office of the Clerk of the Superior Court of Burke County, and thereupon the certificate shall be deemed amended accordingly.

SEC. 4. All laws and clauses of laws in conflict with this act are hereby repealed.

Conflicting laws repealed.

SEC. 5. This act shall be in force and effect from and after its ratification.

Ratified this the 16th day of March, A.D., 1931.

CHAPTER 82

AN ACT TO AMEND CHAPTER SIXTY-TWO OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-NINE ENTITLED "AN ACT TO INCORPORATE WOODVILLE BAPTIST CHURCH, PERQUIMANS COUNTY, NORTH CAROLINA."

The General Assembly of North Carolina do enact:

SECTION 1. That Section two of Chapter sixty-two of Private Laws of one thousand nine hundred and twenty-nine be and the same is hereby amended by inserting after the word "Sunday" in line two of said Section and before the words "to sell" in line three of said section the words "between the hours of six o'clock A. M. and two o'clock P. M." and to insert after the word "Sunday" in line five of said section and before the word "within" in line six of said section the words "between the hours of six o'clock A. M. and two o'clock P. M."

Ch. 62, Private Laws 1929, amended, relative to Woodville Baptist Church.

SEC. 2. That section three of Chapter sixty-two of the Private Laws of one thousand nine hundred and twenty-nine be and the same is hereby amended by inserting after the word "Sunday" and before the words "in any place" in line three of said section the words "between the hours of six o'clock A. M. and two o'clock P. M."

Law again amended.

SEC. 3. That this section shall be in full force and effect from and after its ratification.

Ratified this the 16th day of March, A.D., 1931.

CHAPTER 83

AN ACT TO PERMIT THE BOARD OF TOWN COMMISSIONERS OF THE TOWN OF CANDOR, NORTH CAROLINA, TO ESTABLISH A MARKET AND REGULATE THE SALE OF MARKETABLE THINGS ON THE PUBLIC STREETS IN THE TOWN OF CANDOR, NORTH CAROLINA.

Whereas, certain fruits, vegetables, water melons, cantaloupes, and other marketable things have been and are being sold in the town of Candor, North Carolina, which are defective in quality by reason of decay, worms and other conditions; and

Preamble: Fruits and vegetables sold on streets of Candor.

Whereas, vegetables and other wastes have been thrown on the streets and public grounds, all of which are detrimental to the health of the citizens therein; and

Whereas, said nuisance should be abated; *Now, therefore*,

The General Assembly of North Carolina do enact:

Town authorized to regulate sale.

SECTION 1. That the Board of Town Commissioners of the Town of Candor, North Carolina, may establish and regulate their markets and prescribe at what place within the corporate limits shall be sold marketable things; in what manner, whether by weight or measure, or piece, be sold fresh vegetables, fruits, melons and cantaloupes, and it shall be lawful for the Commissioners to impose a tax on wagons and carts selling fresh vegetables, fruits, melons and cantaloupes within the said corporate limits, said tax to be fixed by the Commissioners of said town.

Tax may be imposed on vendors.

Inspector to be appointed to examine products offered for sale.

SEC. 2. In the event a market is established the Board of Town Commissioners shall provide a suitable person to inspect said vegetables, fruits, melons and cantaloupes and to issue license and collect fees from such persons so selling on foot, wagon, truck or cart, said fees shall be placed in the general funds of said town and used to defray the expenses of said inspector and to police the public grounds and streets and remove the decayed fruits, vegetables and rubbish therefrom.

Fees.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 4. That this act shall be in full force from and after its ratification.

Ratified this the 16th day of March, A.D., 1931.

CHAPTER 84

AN ACT TO ESTABLISH A POLICE COMMISSION FOR THE CITY OF ELIZABETH CITY.

The General Assembly of North Carolina do enact:

Creation of Police Commission in Elizabeth City.

SECTION 1. That there is hereby established for the city of Elizabeth City a commission to be known as the Elizabeth City Police Commission, which shall consist of three members, and the same shall be a body politic and corporate, with a common seal and the said Commission to serve without compensation: *Provided*, that a membership of this Commission shall not be construed as an office in contemplation of the provisions of Article fourteen, Section seven, of the Constitution of North Carolina.

Membership not an office.

Power and authority.

SEC. 2. That said police Commission shall have exclusive authority, jurisdiction and control over the police department and the police officers of Elizabeth City and all equipment of said department, with the right to hire and discharge the said of-

ficers, policemen and detectives at will. It may employ plain clothes men or other detectives at any time and from time to time to do any special work, independent of the regular Police Force, if in its opinion the public safety should so require. The said Commission shall also have the right to hold such examination both mental and physical of applicants for positions on said police force as to it may seem proper and expedient, and to that end may establish such civil service rules and requirements as to it may seem proper: *Provided*, that no person shall be eligible to employment as such police officer if such person be related by blood or marriage to any member of the Police Commission.

SEC. 3. That said Commission shall fix the compensation to be paid to all officers, policemen, and detectives or other persons employed by it, and shall appoint a Chief of Police, and may establish such grades and ranks as it deems best; and said Commission may rent or with the advice and consent of the Board of Aldermen cause to be erected such quarters as are necessary for the proper housing of the police activities, and shall also purchase such equipment as may be required for the efficient policing of the said city of Elizabeth City. Said Board may at any time remove any officer for inattention to duty, negligence, or for any other cause that the Board may consider is just and proper, and such dismissal shall give to the officers so discharged no right of action. That said Commission is hereby, and in all respects, subrogated to all the rights and powers now conferred upon the Board of Aldermen of the city of Elizabeth City in so far as it affects the Police Department of said city. And it shall be the duty of said Board of Aldermen to levy sufficient taxes, as is now levied, on all property within the corporate limits of Elizabeth City, for the proper maintenance of said Police Department. The said Police Commission shall have the right with advice and consent of the Board of Aldermen to use any property now owned by the city, if in its opinion such property be necessary to the economical administration of the Police Department, and to this end it is authorized to repair or otherwise render suitable for its purpose, any property owned by the said city of Elizabeth City.

SEC. 4. That the commission shall consist of three members to be named as hereinafter provided, one of whom shall hold office for a period of two years, and the second named to hold office for a period of four years, and the third named to hold office for a period of six years from the date of this appointment, and each member then shall be appointed for a period of six years, and they shall hold such office until their successors are duly appointed and qualified. The said Commission may elect a chairman upon whom may be delegated the authority to direct personally the activities of said Police Department, *Pro-*

Examinations.

Relatives barred from employment.

Compensation and appointment of officers.

Quarters for Commission.

Removal of officers.

Property taxes for support of Police Department.

Membership of three.

Terms of office. Chairman.

vided that no member of such police force shall be employed or discharged except by the Commission as a whole.

Act to be voted on in next municipal election.

SEC. 5. That, *Provided* this act shall be ratified by the voters of the city of Elizabeth City at the next biennial municipal election as hereinafter provided then, and in such event, it shall be the duty of the Board of Aldermen of the said city of Elizabeth City at the regular monthly meeting on the first Monday in July, one thousand nine hundred and thirty-one, to elect three members of said Police Commission, one for a term of two years, another for a term of four years, and the third for a term of six years, and biennially thereafter said Board of Aldermen of the city of Elizabeth City shall elect one member of said Police Commission for a term of six years, and all vacancies whether by resignation or otherwise shall be filled by the said Board of Aldermen of the city of Elizabeth City.

Election of Commission.

Vacancies.

Will of voters to determine creation of Commission.

SEC. 6. That the provisions of this act shall not become effective, nor shall such commission be established until this act shall have been ratified by the qualified voters of said city at the next biennial municipal election for the said city of Elizabeth City: *Provided*, that it shall be the duty of the Board of Aldermen for said city at such election to provide a ballot box at each voting precinct and tickets upon one of which shall be printed the words "For Police Commission" and on the other ticket shall be printed the words "Against Police Commission." In the event a majority of the votes so cast shall be in favor of the establishment of such police commission then and in such event the provisions of this act shall be fully and in all respects operative: *Provided, further*, that if the majority of the votes so cast shall be against the police commission then and in such event no election shall be had for the establishment of such commission under the provisions of this act until the next biennial municipal election.

Ballots.

Conflicting laws repealed.

SEC. 7. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Effective July 1, 1931.

SEC. 8. That this act shall be in force and effect from and after July first, one thousand nine hundred and thirty-one, and subject only to limitations, hereinbefore recited.

Ratified this the 16th day of March, A.D., 1931.

CHAPTER 85

AN ACT TO SET ASIDE CERTAIN FUNDS OF THE TOWN OF ANDREWS, NORTH CAROLINA, AS A SINKING FUND.

Certain funds derived from sale of Andrews power plant ordered to be placed into sinking fund for retirement of town bonds.

The General Assembly of North Carolina do enact:

SECTION 1. That out of the thirty thousand dollars obtained in cash from a sale of the Andrews Electric Light Plant, the Mayor and Board of Aldermen of the Town of Andrews are

hereby directed to set aside as a sinking fund twenty thousand dollars (\$20,000.00) and that no portion or part of said twenty thousand dollars (\$20,000.00) shall be used for any purpose whatsoever except to pay off bonds and interest on bonds which are at the present time outstanding obligations of the said Town of Andrews.

SEC. 2. That ten thousand dollars of said thirty thousand dollars (\$30,000.00) shall be put up or set aside as a sinking fund, but the same or any part of the same may be used by the Mayor and Board of Aldermen of said Town of Andrews in connection with the said Town of Andrews in connection with the water supply or situation in connection with the said Town of Andrews—that is, in acquiring a new or additional water shed and accessories and equipment or boring a well or metering the water furnished to the people of Andrews and vicinity or in doing any other thing in connection with said water supply or water system which may be needful or necessary in connection with furnishing said Town of Andrews a good and sufficient and wholesome supply of water for the people now served and to be served with water by said Town of Andrews; but should said ten thousand dollars (\$10,000.00) or only a portion be used for such purpose, then the whole or any portion which may be left shall be and remain as a sinking fund the same as is provided for in Section one of this act for the said twenty thousand dollars. (\$20,000.00.)

Balance to be used in improving water supply.

SEC. 3. That any Mayor or member of the Board of Aldermen or Town Clerk of the said Town of Andrews violating any of the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof and therefor shall be fined or imprisoned in the discretion of the court.

Violation of Act made misdemeanor.

SEC. 4. That all laws and clauses of laws in conflict with this act are hereby repealed.

Conflicting laws repealed.

SEC. 5. That this act shall be in force and effect from and after its ratification.

Ratified this the 16th day of March, A.D., 1931.

CHAPTER 86

AN ACT TO AUTHORIZE COLLECTION CERTAIN DELINQUENT TAXES IN THE TOWN OF AULANDER, BERTIE COUNTY, NORTH CAROLINA.

Whereas, certain taxes due the town of Aulander, Bertie County, North Carolina, are unpaid for the year one thousand nine hundred and twenty-three and for each year thereafter; and,

Preamble: Delinquent taxes due Town of Aulander.

Whereas, former tax collectors for said town ceased to function: Now, therefore,

The General Assembly of North Carolina do enact:

Present tax collector authorized to make collection of all delinquent taxes.

SECTION 1. That the governing body of the town of Aulander be and they are hereby authorized and empowered to appoint F. H. Lee, the present tax collector for the town of Aulander, Bertie County, North Carolina, or his successor in office, to collect all delinquent town taxes due the said town of Aulander for the year one thousand nine hundred and twenty-three and for each year thereafter as fully in all respects as if the said taxes were current taxes and with all the rights of levy, sale, rights and powers, as the said tax collector has with respect to current taxes, *Provided*, that nothing herein shall effect the rights of innocent purchasers for value.

Innocent purchasers protected.

SEC. 2. That this act shall be in full force and effect from the ratification thereof.

Ratified this the 16th day of March, A.D., 1931.

CHAPTER 87

AN ACT TO RELIEVE CHURCH PROPERTY IN THE TOWN OF ZEBULON, WAKE COUNTY, NORTH CAROLINA, FROM ALL STREET PAVING ASSESSMENTS BECOMING DUE JANUARY FIRST, ONE THOUSAND NINE HUNDRED THIRTY, AND SUBSEQUENT THERETO IF APPROVED BY A MAJORITY OF THE VOTERS.

The General Assembly of North Carolina do enact:

Church property in Zebulon to be relieved of paving assessments.

SECTION 1. That all real estate now owned or which may hereafter be acquired by any of the churches of the Town of Zebulon and used for church or parsonage purposes shall be relieved from all special paving front foot assessments becoming due January first, one thousand nine hundred thirty, and subsequent thereto for paving already done and from future paving assessments.

Ad valorem tax to be levied to cover such assessments.

SEC. 2. That the Commissioners of the Town of Zebulon shall levy annually an Ad Valorem tax to cover the total annual assessments against church property in the Town of Zebulon to be collected and applied in lieu of said special assessments.

Assessments to be reinstated when property no longer used for church purposes.

SEC. 3. That when any of such property shall no longer be owned and used by any of said churches for church or parsonage purposes during the period of levying and collecting said paving assessments the same shall immediately become liable for all paving assessments thereafter to become due as may appear on the assessment roll of said town.

Question to be submitted to voters at next municipal election.

SEC. 4. That at the next regular municipal election to be held in the Town of Zebulon on Tuesday after the first Monday in

May, (1931) one thousand nine hundred and thirty-one, there shall be submitted to the qualified voters of said town the question of relieving the said churches from the payment of said street paving assessments as set forth in Section one of this Act. At said election the voters favoring the relief of said churches shall vote a ballot on which shall be written or printed the words "For Relief of Church Property," those opposed shall vote a ballot on which shall be written or printed the words "Against Relief of Church Property." If a majority of the votes cast on this question shall be for relief of church property then this Act shall be in full force and effect, otherwise to be null and void.

Ballots.

SEC. 5. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 6. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 16th day of March, A.D., 1931.

CHAPTER 88

AN ACT TO AUTHORIZE THE GOVERNING BOARD OF THE CITY OF ASHEVILLE TO CREDIT OR REFUND CERTAIN PAYMENTS OF ONE THOUSAND NINE HUNDRED TWENTY-NINE TAXES ERRONEOUSLY LEVIED AND PAID.

The General Assembly of North Carolina do enact:

SECTION 1. That the Governing Board of the City of Asheville be and is hereby authorized, directed, and empowered, as herein provided, to credit or refund payments made on one thousand nine hundred twenty-nine municipal taxes upon all property located within the territory annexed to the City of Asheville, by virtue of Chapter two hundred five, Private Laws of North Carolina, Session one thousand nine hundred twenty-nine, with the exception of property located within what was formerly the corporate limits of the Towns of Kenilworth, Biltmore and South Biltmore.

Certain taxes erroneously paid in Asheville to be credited or refunded.

Exceptions.

SEC. 2. That where payments of taxes have been made upon property where a credit or refund is herein authorized and the ownership of said property was the same on May first, one thousand nine hundred thirty, as at the time of payment of one thousand nine hundred twenty-nine taxes, a credit shall be given upon the one thousand nine hundred thirty tax or upon any subsequent tax levied for municipal purpose for the one thousand nine hundred twenty-nine payments.

Credit on subsequent taxes authorized where property is owned by same person.

Refund to be made where ownership of property has changed.

Application for refund.

Time of making refund.

Credits or refunds to be made only upon resolution and after audit.

Conflicting laws repealed.

SEC. 3. That where the ownership of property, located within the territory herein provided for credits or refund of taxes, shall have changed between the date of payment and May first, one thousand nine hundred thirty, the person, firm or corporation making such payment may demand upon a verified written application, upon a form prescribed by the Governing Board, a refund in cash of the amount of taxes paid upon such property for the year one thousand nine hundred twenty-nine and the Governing Board of said City shall refund such payment without interest, *Provided, however*, that such refund shall be made out of such funds as may be available for such purpose and when the Governing Board of the City of Asheville in their discretion order the refund.

SEC. 4. That all transfers of credits or refunds herein provided for shall only be made by the Governing Board of the City of Asheville by a resolution duly adopted and spread upon its minutes, after the Chief Accountant, or other duly authorized officer of the City, shall have audited the tax records and made a report of his findings to the Governing Board in writing.

SEC. 5. That all laws or clauses of law in conflict herewith be and are hereby repealed.

SEC. 6. That this act shall be in force from and after its ratification.

Ratified this the 16th day of March, A.D., 1931.

CHAPTER 89

AN ACT TO AMEND CHAPTER TWO HUNDRED TWENTY-FOUR, PRIVATE LAWS, ONE THOUSAND NINE HUNDRED TWENTY-SEVEN, CONFERRING POWER ON CERTAIN CITIES AND TOWNS TO MAKE CERTAIN LOCAL IMPROVEMENTS, SO AS TO INCLUDE THE CITY OF LENOIR.

The General Assembly of North Carolina do enact:

Ch. 224. Private Laws 1927, amended, as to local improvements in Lenoir.

Conflicting laws repealed.

SECTION 1. That section thirty of chapter two hundred and twenty-four of the Private Laws of one thousand nine hundred and twenty-seven, be and the same is hereby amended by inserting in line two of said section between the word "Hickory" and the word "Salisbury" the word "Lenoir."

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 3. That this act shall be in full force and effect from and after its ratification.

Ratified this the 16th day of March, A.D., 1931.

CHAPTER 90

AN ACT TO AMEND CHAPTER TWO HUNDRED AND FIFTY-THREE PRIVATE LAWS, ONE THOUSAND NINE HUNDRED AND THREE, RELATING TO THE CHARTER OF THE TOWN OF BUIE'S CREEK.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter two hundred and fifty-three, Private Laws of the Session of one thousand nine hundred and three, being "An Act to incorporate the Town of Buie's Creek," be amended as follows:

Ch. 253, Private Laws 1903, amended, relating to charter of Buie's Creek.

In Section ten, Line three, strike out the words "twenty-five cents" and insert in lieu thereof the words "fifty cents."

SEC. 2. All laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This act shall be in full force and effect from and after its ratification.

Ratified this the 16th day of March, A.D., 1931.

CHAPTER 91

AN ACT TO AMEND CHAPTER TWO HUNDRED AND FORTY-TWO, PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-ONE, AS AMENDED, THE SAME BEING THE CHARTER OF THE CITY OF DURHAM, RELATING TO THE PAYMENT OF A FEE OF FIVE DOLLARS FOR CANDIDATES FOR MAYOR AND ALDERMEN IN PRIMARY ELECTIONS.

The General Assembly of North Carolina do enact:

SECTION 1. That the Charter of the City of Durham, being Chapter two hundred and forty-two, Private Laws of one thousand nine hundred and twenty-one, as amended, be amended by adding at the end of Section six thereof, the following paragraph:

Ch. 242, Private Laws 1921, amended.

"All candidates for mayor and aldermen in the primary provided for herein shall pay to the City Clerk, on or before the expiration of the time for filing of the petitions referred to herein, the sum of five dollars, which sum shall be paid into the Treasury of the City, for the purpose of helping to defray the expenses of said primary."

Filing fee of candidates for municipal offices in Durham.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this act shall be in full force and effect from and after its ratification.

Ratified this this 16th day of March, A.D., 1931.

CHAPTER 92

AN ACT TO AMEND CHAPTER NINETY, PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND SEVEN, PERTAINING TO THE COLLECTION OF TAXES, AND TO AMEND CHAPTER TWELVE, PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND SEVENTEEN, PERTAINING TO THE COLLECTION OF ASSESSMENTS, IN THE TOWN OF CANTON, HAYWOOD COUNTY.

The General Assembly of North Carolina do enact:

Ch. 90, Private Laws 1907; and ch. 12, Private Laws 1917, amended.

SECTION 1. That Section thirteen, of Chapter ninety, Private Laws of one thousand nine hundred and seven, and Section six, of Chapter twelve, Private Laws of one thousand nine hundred and seventeen, and acts amendatory thereof, be amended as follows:

Powers and duties of Canton tax collector in collecting taxes and assessments.

That the tax collector of the town of Canton shall collect all taxes and assessments due said town as now is or may hereafter be provided for the collection of county taxes under the General Law; the procedure set forth in the General Law for the collection of county taxes by advertisement of property, the issuing of certificates and foreclosure proceedings and all other procedure shall be followed by said tax collector in the same manner and to the effect as followed by the county tax collector under the General Law of the State, and property sold by said tax collector shall be redeemed in the same manner as provided by the General Law, or as may hereafter be provided by the General Law; all such proceedings to be brought in the name of the tax collector of the town of Canton, and the expenses of said foreclosure and tax sales shall be paid according to the provisions of the General State Law.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 3. That this act shall be in full force and effect from and after its ratification.

Ratified this this 16th day of March, A.D., 1931.

CHAPTER 93

AN ACT TO INCORPORATE VIRGINIA-CAROLINA HIGH SCHOOL IN ASHE COUNTY, NORTH CAROLINA, AND TO PROVIDE POLICE PROTECTION THEREFOR.

The General Assembly of North Carolina do enact:

Virginia-Carolina High School, Ashe County, incorporated; boundaries.

SECTION 1. That a boundary constituting a semi-circle with the Virginia State Line as the diameter and with the Virginia-Carolina High School, Grassy Creek Township, Ashe County,

North Carolina, as the center of the diameter thereof, and having a radius of one-half mile from the center in every direction on the North Carolina side, shall be and the same is hereby incorporated under the style and name of The Virginia-Carolina High School Grounds.

SEC. 2. That the North Carolina Trustees or governing body of the Virginia-Carolina High School shall have full and ample power and authority to make and prescribe such rules and regulations for the government and protection of said school grounds as to them may seem wise and proper.

SEC. 3. That the North Carolina Trustees or other governing body of the Virginia-Carolina High School are hereby authorized to appoint a special police or policemen to enforce the rules and regulations of said body as above provided or to arrest any person for disorderly conduct or for any offense in violation of the laws of the State committed within the limits of said incorporation and when so arrested said officer shall carry said person before the nearest available justice of the peace in Ashe County, North Carolina, who shall upon complaint issue a warrant against such offender and proceed with said case as is now provided for by law.

SEC. 4. This act shall be in full force and effect from and after its ratification.

Ratified this the 18th day of March, A.D., 1931.

CHAPTER 94

AN ACT TO AMEND CHAPTER THREE HUNDRED FORTY-TWO OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED SEVEN, AS AMENDED BY CHAPTER ONE HUNDRED FIFTY-FIVE, PRIVATE LAWS ONE THOUSAND NINE HUNDRED NINETEEN, AS AMENDED BY CHAPTER SEVENTY-EIGHT, PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED TWENTY-THREE, AS AMENDED BY CHAPTER ONE HUNDRED FORTY-TWO, PRIVATE LAWS ONE THOUSAND NINE HUNDRED TWENTY-NINE, RELATING TO THE ELECTION OF MEMBERS OF THE SCHOOL BOARD OF THE CITY OF CHARLOTTE.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter three hundred and forty-two of the Private Laws of nineteen hundred and seven, as amended by chapter one hundred and fifty-five of the Private Laws of nineteen hundred and nineteen, as amended by chapter seventy-eight, of the Private Laws of nineteen hundred and twenty-three, as amended by chapter one hundred and forty-two, of the

Name.

Rules and regulations.

Appointment of police to enforce such rules and regulations.

Arrest of violators.

Ch. 342, Private Laws 1907; ch. 155, Private Laws 1919; ch. 78, Private Laws 1923; and ch. 142, Private Laws 1929, amended.

Private Laws of nineteen hundred and twenty-nine, be amended by inserting after paragraph (e) the following:

Determination of terms of office of Charlotte School Board members.

“(f) The longest terms for which members are being elected shall be filled by those persons receiving the highest number of votes, the next longest terms by those receiving the next highest number of votes, and the next longest terms by those receiving the next highest number of votes: *Provided*, that no person shall be declared elected who shall not have received a majority of the votes cast in said election.

Majority necessary for election.

In event of tie, Board of School Commissioners decide.

In the event of a tie vote between members for the different terms, the Board of School Commissioners shall decide by a majority vote which member shall serve for the longer term and which member shall serve for the shorter term.”

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 17th day of March, A.D., 1931.

CHAPTER 95

AN ACT TO AMEND CHAPTER THREE HUNDRED EIGHTY OF THE PRIVATE LAWS OF NORTH CAROLINA, SESSION ONE THOUSAND NINE HUNDRED FIFTEEN, CHANGING THE NUMBER OF WARDS IN THE TOWN OF SANFORD AND CHANGING THE NUMBER OF ALDERMEN AND CHANGING THE METHOD OF SIDEWALK CONSTRUCTION AND PROVIDING NOTICE OF CANDIDATES FOR ALDERMEN AND MAYOR.

The General Assembly of North Carolina do enact:

Ch. 380, Private Laws 1915, amended.

SECTION 1. That Chapter Three Hundred Eighty of the Private Laws of the General Assembly of North Carolina, Session One Thousand Nine Hundred Fifteen, be and the same is hereby amended:

Division of Sanford into five wards.

(1) By striking out Section Three of said Act and inserting in lieu thereof the following: “The Town of Sanford shall be divided into Five Wards, denominated First, Second, Third, Fourth and Fifth Wards.

First ward.

FIRST WARD: Beginning at the intersection of the Western boundary line of the Town of Sanford with State Highway No. Fifty and running thence in an Easterly direction with the center of said Highway and Carthage Street to the Center of the Atlantic & Yadkin Railroad; thence with the center line of said Railroad in a Northern direction to its intersection with the

Northern corporate limits of the Town of Sanford; thence with the Northern boundary line of said Town in a Western direction, and the Western boundary line of said Town in a Southern direction to the point of beginning.

SECOND WARD: Beginning at the intersection of the Northern boundary line of the Town of Sanford with the Atlantic & Yadkin Railroad and running thence as the center line of said Railroad in a Southerly direction to the center line of Carthage Street; thence in an Easterly direction as the center line of Carthage Street, and as the center of Charlotte Avenue, to the center line of the main track of the Seaboard Air Line Railroad; thence as the center line of the main track of the Seaboard Air Line Railroad in a Northern direction to the Northern boundary line of the Town of Sanford; thence along the Northern boundary line of the Town of Sanford in a Western direction to the point of beginning.

Second ward.

THIRD WARD: Beginning at the intersection of the Eastern boundary line of the Town of Sanford with the center of Extension of Charlotte Avenue and running thence with the center line of Charlotte Avenue and the Extension thereof in a Westerly direction to the Center of Chatham Street; thence with the center of Chatham Street in a Southerly direction to the center of McIver Street; thence with the center of McIver Street in an Easterly direction to a point 150 feet West of the Western line of Third Street; thence South parallel with Third Street to a stake in Little Buffalo Creek; thence up the various courses of said Creek to the Southern boundary line of the Town; thence with the Southern boundary line of the Town in an Easterly direction to the Easterly boundary line of said Town, thence with the Easterly boundary line of said Town in a Northerly direction to the point of beginning.

Third ward.

FOURTH WARD: Beginning at the intersection of the Western boundary line of the Town of Sanford with State Highway No. Fifty and running thence in an Easterly direction with the center of said Highway and Carthage Street and Charlotte Avenue to the center of Chatham Street; thence in a Southerly direction with the center of Chatham Street to the center of McIver Street; thence with the center of McIver Street in an Easterly direction to a point 150 feet West of the Western line of Third Street; thence South parallel with Third Street to a stake in Little Buffalo Creek; thence up the various courses of said creek to the Southern boundary line of the Town in a Westerly direction and the Western boundary line of the Town in a Northern direction to the point of beginning.

Fourth ward.

FIFTH WARD: All that portion of the Town of Sanford not included in the First, Second, Third and Fourth Wards."

Fifth ward.

Law again amended.

Election of Aldermen by wards.

Biennial elections.

Term of office.

Qualifications of Aldermen.

Election of Mayor.

Filing of candidacies.

Filing fees.

Law again amended, relating to sidewalk construction.

Conflicting laws repealed.

SEC. 2. That said Chapter Three Hundred Eighty of the Private Laws of North Carolina, session One Thousand nine Hundred Fifteen, be and the same is hereby further amended.

(2) By striking out all of Section Four of said Act and inserting in lieu thereof the following: "Section 4. The Board of Aldermen of said Town shall consist of five members, one of whom shall be elected from the First, Second, Third, Fourth and Fifth Wards, respectively, by the qualified voters of said Ward. There shall be elected on Tuesday after the first Monday in May, A. D., One Thousand Nine Hundred Thirty-one, and biennially thereafter, a Mayor and Five Aldermen, who shall hold their offices for a term of two years and until their successors are elected and qualified; one of said Aldermen shall be chosen from and elected by the voters of each ward. Such Aldermen shall be a resident of the ward from which they are chosen and shall be elected by the qualified voters of such wards and must have resided within the State twelve months and within the corporate limits of the Town of Sanford ninety days preceding the day of election; and at said biennial elections held for the election of Aldermen from the wards, there shall be elected a Mayor, under the same rules and regulations governing said election of said Aldermen. Said election shall be conducted under the provisions of the General Election Law and the person receiving the highest number of votes for Mayor and Aldermen shall be declared elected such officers upon the canvassing of the returns as herein provided for. No person who is a candidate for office of Mayor and Aldermen of any Ward in said Town shall be eligible to be voted on at said election unless such person offering himself as a candidate in said election shall, at least fifteen days prior to the holding of said election file with the Town Clerk of the Town of Sanford written notice of his intention to become a candidate and shall state in said notice, the office to which he aspires. Any person offering himself as a candidate for Alderman shall pay to the Clerk at time of filing said notice, a fee of Three Dollars, and any person offering himself for Mayor shall pay to the Clerk at time of filing such notice, a fee of Six Dollars. And filing fees collected hereunder shall be expended for the purpose of printing ballots."

(3) By striking out in Section Twenty-seven in Line Fifty-six after the word "Improvement" all of the remainder of said section.

SEC. 3. That all laws inconsistent or in conflict with this act be and the same are hereby repealed.

SEC. 4. This act shall be in force from and after its ratification.

Ratified this the 17th day of March, A.D., 1931.

CHAPTER 96

AN ACT TO AMEND HOUSE BILL FIVE HUNDRED NINETY-NINE RATIFIED ON MARCH SIXTH NINETEEN HUNDRED THIRTY-ONE, RELATING TO THE TIME OF HOLDING THE ELECTION IN THE TOWN OF ROANOKE RAPIDS UPON THE SUBJECT OF EXTENDING ITS CORPORATE LIMITS.

The General Assembly of North Carolina do enact:

SECTION 1. That House Bill number five hundred ninety-nine entitled "An Act to Amend the Charter of the Town of Roanoke Rapids in Halifax County," ratified on March sixth, nineteen hundred and thirty-one, be amended by striking out the words "twenty-first" in line thirteen of section eleven thereof and inserting in lieu thereof the words "twenty-seventh."

SEC. 2. That this act shall be in force and effect from and after its ratification.

Ratified this the 19th day of March, A.D., 1931.

H. B. No. 599,
Private Laws
1931, amended,
relative to time of
election on extending
Roanoke Rapids corporate
limits.

CHAPTER 97

AN ACT TO AMEND AND RE-ENACT CHAPTER FORTY-SEVEN OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-ONE TO PROVIDE FOR UNIFORM REGISTRATION BOOKS IN THE CITY OF CHARLOTTE, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That in all municipal primaries and elections to be held in the city of Charlotte, except special bond elections in which a new registration is ordered, the registration books for State and County elections shall be used and all electors properly registered on said books, and who are otherwise qualified, shall be entitled to vote in said municipal primaries or elections.

SEC. 2. That the said primaries and elections shall be held under the supervision and control of the County Board of Elections for Mecklenburg County, who shall appoint registrars and judges for all primaries and elections, prepare and distribute ballots, and shall have the same jurisdiction and authority to change precinct boundaries, create new precincts and fix the voting places as is now conferred by law on said Board governing State and County elections and shall canvass the returns of said primaries or elections and certify the result to the City Clerk and also the Clerk of the Superior Court of Mecklenburg County.

SEC. 3. That it is the intent and purpose of this Act that only one set of registration books be used in the city of Charlotte

Ch. 47, Private
Laws 1921,
amended and re-
enacted, establish-
ing uniform reg-
istration books for
all elections in
Charlotte.

Details of pri-
maries and elec-
tions.

Intent and pur-
pose of Act.

for all primaries or elections, National, State, County or municipal.

Expenses of elections.

SEC. 4. That expenses for holding said primaries or elections shall be borne and paid as now provided by law.

Conflicting laws repealed.

SEC. 5. All laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 6. This act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, A.D., 1931.

CHAPTER 98

AN ACT TO PLACE THE POLICE AND FIREMEN OF THE CITY OF ASHEVILLE UNDER CIVIL SERVICE.

The General Assembly of North Carolina do enact:

Civil service applied to Asheville police and firemen.

SECTION 1. That the police and fire departments of the City of Asheville be, and the same hereby are placed under civil service rules and regulations.

Those in service one year need not stand examination.

SEC. 2. That all regular members of the police and fire departments of the city of Asheville who shall have been in active service for one year on the third Tuesday in April, one thousand nine hundred and thirty-one, shall immediately be subject to and governed by civil service rules and regulations without being required to stand any further examination or appointment by the governing body of the City of Asheville.

Rules and regulations.

SEC. 3. That immediately upon the effective date of this act it shall be the duty of the governing body of the City of Asheville to establish by ordinance rules and regulations for the government of the police and fire departments of said city, including the appointment of three disinterested citizens of Asheville as civil service commissioners, who shall serve without pay, and whose terms of office shall be prescribed: *Provided, however,* that no rule or regulation shall be adopted which shall deprive the heads and other officers of said departments of the power to demote, suspend or discharge any member or employee of said departments for cause, but any such member or employee may have a hearing before the civil service commission.

Appointment of civil service commissioners.

Exceptions.

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict with this act are hereby repealed.

When Act is effective.

SEC. 5. That this act shall be in full force and effect from and after the third Tuesday in April, one thousand nine hundred and thirty-one; *Provided, however,* that this act shall become effective only in the event that the proposed change in the charter of the City of Asheville shall fail of adoption on said date.

Conditional.

Ratified this the 20th day of March, A.D., 1931.

Sligo

CHAPTER 99

AN ACT TO EMPOWER THE BOARD OF ALDERMEN OF THE CITY OF FAYETTEVILLE TO PROVIDE IN ITS ANNUAL BUDGET AN ITEM FOR ADVERTISING AND GENERAL WELFARE PURPOSES, TO BE SUBMITTED TO A VOTE OF THE PEOPLE.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Aldermen of the City of Fayetteville, be, and it is hereby empowered, in its discretion, when the annual budget is made up, to include in said budget an item not to exceed the sum of five thousand dollars, to be used as the Board of Aldermen in its discretion may direct, for advertising and general welfare purposes.

Appropriation of \$5,000 made for advertising and general welfare purposes in Fayetteville.

SEC. 2. That this act shall be in full force and effect only when it shall have been approved by a majority of the votes cast at the general election of the City of Fayetteville, to be held on Tuesday after the first Monday in May, one thousand nine hundred and thirty-one, and to that end the Election Board for holding said election on said date, is authorized and directed to have a ballot printed to be voted in said election, on which ballot shall be printed the words "For advertising and general welfare" and "Against advertising and general welfare," and to certify to the Board of Aldermen the number of votes cast and the result of said election.

To be submitted to voters in May, 1931.

Ballots.

SEC. 3. All laws and parts of law in conflict herewith are hereby repealed.

Conflicting laws repealed.

Ratified this the 20th day of March, A.D., 1931.

CHAPTER 100

AN ACT TO REPEAL HOUSE BILL FOUR HUNDRED TWENTY-EIGHT ENTITLED "AN ACT TO AMEND CHAPTER THREE HUNDRED SIXTY-EIGHT OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED ELEVEN AND CHAPTER TWO HUNDRED THREE OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED SEVENTEEN RELATING TO THE POLICE COURT FOR THE TOWN OF CANTON, COUNTY OF HAYWOOD."

The General Assembly of North Carolina do enact:

SECTION 1. That House Bill number four hundred twenty-eight, entitled "An act to amend chapter three hundred and sixty-eight of the Public-Local Laws of one thousand nine hundred and eleven and chapter two hundred and three of the Public-

H. B. No. 428, Private Laws 1931, repealed, relating to Canton Police Court.

Local Laws of one thousand nine hundred and seventeen relating to the Police Court for the Town of Canton, County of Haywood," which was ratified on March eleventh one thousand nine hundred and thirty-one, is hereby repealed.

SEC. 2. That this act shall be in full force and effect from and after its ratification.

Ratified this the 20th day of March, A.D., 1931.

CHAPTER 101

AN ACT TO AMEND CHAPTER ELEVEN, PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-NINE, CONTRACTING THE LIMITS OF THE TOWN OF WINFALL, PERQUIMANS COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section one, chapter eleven, Private Laws of one thousand nine hundred and twenty-nine, be and the same is hereby amended by striking out the second paragraph of said section and inserting in lieu thereof the following:

"All that territory lying within a radius of one quarter of one mile from the intersection of the Norfolk and Southern Railroad and the county road, at the station known as Winfall, on said railroad."

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 3. That this act shall be in full force and effect from and after its ratification.

Ratified this the 20th day of March, A.D., 1931.

CHAPTER 102

AN ACT TO PROVIDE FOR THE ELECTION OF A COTTON WEIGHER AND GRADER FOR THE TOWN OF ST. PAULS, ROBESON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of commissioners of the town of St. Pauls, Robeson County, are hereby authorized and empowered, at their first meeting in May, one thousand nine hundred and thirty-one, to elect a cotton weigher and grader for said town, who shall hold his office for a term of one year, and until his successor is elected and qualified.

SEC. 2. That it shall be the duty of said cotton weigher and grader to weigh and grade all cotton sold in the town of St. Pauls in bales, and to give a certificate to the seller of the said cotton, showing the correct weight and grade of each bale

Ch. 11, Private Laws 1929, amended.

Corporate limits of Winfall contracted.

Conflicting laws repealed.

Cotton weigher and grader authorized for St. Pauls.

Term of office.

Duties in weighing and grading.

weighed by him; and it shall be the duty of the board of commissioners of the town of St. Pauls to prescribe such rules and regulations governing the sale and weighing of cotton in said town as may be just, and for performing the duties aforesaid the cotton weigher shall receive the sum of Twenty cents (20c) per bale, one-half of which shall be paid by the seller, and one-half of which shall be paid by the buyer.

Fee of 20c per bale.

SEC. 3. That said cotton weigher and grader before entering upon the discharge of his duties, shall give a bond in the sum of five hundred dollars for the faithful discharge of the duties of his office, to be approved by the board of commissioners of said town.

Bond of \$500.

SEC. 4. That it shall be the duty of said cotton weigher to keep a record of the cotton belonging to different purchasers and weighed by him, so that cotton belonging to different buyers shall not become mixed on the yard or platform where the weighing is done, and he shall keep a record of all cotton weighed, showing the names of seller and buyer.

Record to be kept.

SEC. 5. That the records of said officer shall be evidence in any court, when duly and properly authenticated, and his books and records shall be open to inspection by any person who shall request to be allowed such privilege.

Record admissible court evidence.

SEC. 6. That this act shall be in full force and effect from and after its ratification.

Ratified this the 20th day of March, A.D., 1931.

CHAPTER 103

AN ACT TO AMEND THE CHARTER OF THE CITY OF SALISBURY.

The General Assembly of North Carolina do enact:

SECTION 1. That section six of chapter two hundred and thirty-one of the Private Laws of one thousand nine hundred and twenty-seven, be, and the same is hereby amended by adding thereto and at the end thereof, the following: The regular municipal election for the City of Salisbury shall be held on Tuesday after the first Monday in May of each odd year. The present elective officers shall hold their respective offices until May thirty-first, one thousand nine hundred and thirty-one, and until their successors are elected and qualified. The terms of office of the members of the city council and all other elective officers to be elected at the regular municipal election to be held in the year nineteen hundred and thirty-one (1931) shall begin on June the first, nineteen hundred and thirty-one, and shall end on June thirteenth, nineteen hundred and thirty-three. Beginning with the year one thousand nine hundred thirty-three the terms of

Ch. 231, Private Laws 1927, amended.

Municipal elections in Salisbury.

Terms of office of officers.

office of all elective officers of the city shall begin on July the first, and end on June thirtieth each two years thereafter, or until their successors are duly elected and qualified. All members of the city council and all other elective officers shall be inducted into office and take their respective oaths of office in the city hall at eleven o'clock A. M. on the day their terms of office begin.

Induction into office and oaths of office.

Law again amended.

Election of city attorney.

SEC. 2. That section thirteen of chapter two hundred and thirty-one of the Private Laws of one thousand nine hundred and twenty-seven, be, and the same is hereby amended by adding thereto and at the end thereof, the following: The city council shall also elect a city attorney, who shall have general supervision of all legal work of the city; and in case the services of any additional attorney may be deemed necessary by the city council for any purpose whatsoever, such additional attorney may be appointed by the city council.

Law again amended.

Appointment of employees.

SEC. 3. That all of section fifteen of chapter two hundred and thirty-one of the Private Laws of one thousand nine hundred and twenty-seven, be and the same is hereby stricken out and the following inserted in lieu thereof: Except as provided in the charter, the city council shall determine what departments, officers and employees are necessary for the proper administration of the governmental affairs of the city, but such officers and employees shall be appointed or removed by the city manager; however, no head or superintendent of a department shall be appointed or removed, unless such appointment or removal has been submitted by the City Manager to the city council, in writing, and approved or confirmed by a vote of the city council, and the action of the city council on such appointment or removal shall be final. Except as herein provided, the city manager shall report all appointments or removals of employees to the council at the next meeting thereof following any such appointment or removal. All salaries shall be fixed or approved by the council. The city council may, by ordinance, provide for the appointment of special or standing committees, and may assign to such committees whatever duties may be deemed advisable by the city council. All officers and employees of the city shall perform such duties as may be required of them by the city manager, subject however, to the general supervision and control of the city council.

Removal.

Committees.

Law again amended.

Payment of taxes in installments.

SEC. 4. That section thirty-five of chapter two hundred and thirty-one of the Private Laws of one thousand nine hundred and twenty-seven, be, and the same is hereby amended by adding thereto and at the end thereof, the following: The city council may, by ordinance, provide for the payment and collection of all city taxes in monthly or other installments, such installments to

be paid between October first and April first following, the levy of such taxes.

SEC. 5. That section thirty-seven of chapter two hundred and thirty-one of the Private Laws of one thousand nine hundred and twenty-seven, be, and the same is hereby amended by striking out the word "February" in line three of said section thirty-seven, and inserting in lieu thereof the word "April." Law again amended.

SEC. 6. That section thirty of chapter two hundred and twenty-four of the Private Laws of one thousand nine hundred and twenty-seven, be, and the same is hereby amended by striking out after the word "Hickory" and before the word "Tarboro" the word "Salisbury" in line two of said section. Ch. 224, Private Laws 1927, amended, eliminating Salisbury.

SEC. 7. That all laws and clauses of laws in conflict with this act are hereby repealed. Conflicting laws repealed.

SEC. 8. That this act shall be in full force and effect from and after its ratification.

Ratified this the 20th day of March, A.D., 1931.

CHAPTER 104

AN ACT TO AMEND CHAPTER TWO HUNDRED TWENTY-SIX, PRIVATE LAWS ONE THOUSAND NINE HUNDRED TWENTY-SEVEN, AND CHAPTER FIFTEEN, PRIVATE LAWS ONE THOUSAND NINE HUNDRED TWENTY-THREE, RELATING TO THE CHARTER OF THE CITY OF ELIZABETH CITY.

The General Assembly of North Carolina do enact:

SECTION 1. That the charter of the City of Elizabeth City be amended as follows: Amendments to charter of Elizabeth City.

That section two of chapter fifteen, Private Laws of session one thousand nine hundred and twenty-three, be amended as follows: That after the word "of" in line ten strike out "West End Main Street", and substitute in lieu thereof "State Highway" and in line twelve thereof strike out the words "West End Main Street" and substitute in lieu thereof "Highway". Ch. 15, Private Laws 1923, amended.

SEC. 2. That the term of office of all members of the Board of Aldermen of the City of Elizabeth City shall expire on the first Monday in June, nineteen hundred and thirty-one, and that at the next regular municipal election, following the ratification of this act, and biennially thereafter, there shall be elected two members of the Board of Aldermen from each of the four wards of said city and by the electors of the city at large as now provided. Election of new Board of Aldermen.

SEC. 3. That section four of Chapter two hundred and twenty-six, of the Private Laws of one thousand nine hundred and twenty-seven be and the same is hereby repealed. Ch. 226, Private Laws 1927, amended.

1923 law again amended.

Submission to voters matter of sale or lease of City Market property.

Ballots.

Aldermen to control sale or lease.

Minimum price.

Rules of election.

Police power over sale of foods.

Violation of such rules made misdemeanor.

SEC. 4, That chapter fifteen of Private Laws of the session one thousand nine hundred twenty-three, be amended as follows: At the end of section fifty-nine and before section sixty add the following: "The Board of Aldermen of said city are hereby given the authority to submit to the voters of said municipality, at the next regular city election, or any subsequent city election, the question whether the said City of Elizabeth City shall sell or lease the present City Market Property, or shall not sell or lease the same. The voters at said election favoring the sale or lease of said Market Property shall each vote a ticket, with the words "For Sale or Lease" printed or written thereon; and the voters opposed to the sale or lease of said property shall each vote a ticket, with the words "Against the sale or lease" written or printed thereon.

"If a majority of the votes cast at said election shall be in favor of sale or lease of said Market House Property, then in that event the Board of Aldermen of the City of Elizabeth City, are hereby given the authority to sell or lease the said property, at a price, and upon such terms as to them may seem just and proper: *Provided*, that in case of sale of said property, they shall not sell same for a less sum than twenty-two thousand five hundred dollars.

"The said election shall be conducted in all respects, as the election of the city officers, and a separate box shall be provided at each polling place in said city, into which the said ballots may be deposited, and when the election is over, the ballots shall be counted, and returns made and result declared, in all respects as is provided for the election of City Officers.

"That in case said Market Property is sold, the said Board of Aldermen of the City of Elizabeth City are hereby vested with full power and authority, to pass ordinances regulating the sale, barter or exchange of any and all kinds of fresh meats, and sea food, to fix the locations in said city, where said fresh meats and sea food may be sold; to regulate the material and the building where said fresh meats may be sold, and to make all sanitary rules and regulations with respect to same, in order to preserve public health and well being, and may enforce the observance of said ordinances and rules and regulations by proper fines and penalties.

"That if any person, or persons, or corporation shall violate the provisions of said ordinances, or regulations thereof, or shall attempt to sell, barter or exchange any kind of fresh meat or meats, or sea food in any portion or zone of said city not specially designated by the said Board of Aldermen as a place where such meats or sea food may be sold, shall be guilty of a misdemeanor, and fined as set out in the sanitary ordinances of the city now in force, or passed in accordance with this amendment.

"The said City of Elizabeth City may levy and collect from each person, firm or corporation that may engage in the retail sale, barter or exchange any kinds of fresh meats, an annual license tax not to exceed one hundred dollars per annum for each place or stand that may be operated by him, them or it, within the corporate limits of Elizabeth City and each person, firm or corporation selling or handling by retail, any kind of sea food within the corporate limits of Elizabeth City shall pay an annual license tax not to exceed twenty-five dollars for each stand or place operated by him, them or it."

SEC. 5. That chapter fifteen of the Private Laws of session one thousand nine hundred twenty-three, be and the same is amended and enlarged as follows: Between section ninety-seven and section ninety-eight add the following: "The Board of Aldermen may appoint a Warrant Officer, to hold office during the pleasure of the said Board of Aldermen, whose duties shall be to issue warrants or other process for the arrest of violators of the law anywhere in Pasquotank County, upon the sworn complaint of any policeman, sheriff, or constable or other person, said warrant to be returnable before the Trial Justice of Pasquotank County, for hearing. Said Warrant Officer may also issue subpoenas for the attendance of witnesses.

"The said warrants shall run in the name of the State and be directed to any police officer in the said city, sheriff or constable, to be executed by them or either of them, as other warrants issued to them by any officer having authority under the law to issue warrants.

"The holding of any other office, in Pasquotank County, or in the City of Elizabeth City shall not be a bar to holding the said position of Warrant Officer."

SEC. 6. That section fourteen of said chapter two hundred and twenty-six of the Private Laws of one thousand nine hundred and twenty-seven be and the same is hereby repealed and the following substituted in lieu thereof: "That the Board of Aldermen of the City of Elizabeth City at their regular meeting on the first Monday in June, one thousand nine hundred and thirty-one, and each two years thereafter may appoint three of their number, a Sinking Fund Committee, who shall be vested with all the powers conferred upon said Sinking Fund Commission in said act, and shall be subject to all the duties and requirements and responsibilities as prescribed for said Commission in said act. The terms of office for said Committee shall be for two years, and until their successors are appointed and qualified. Any vacancy occurring on said Committee shall be filled by the Board of Aldermen, for the unexpired term."

Removal from the City of Elizabeth City, of any member of said Committee, shall vacate his position as a member of said committee, and create a vacancy thereon.

License tax on vendors may be collected.

Maximum.

1923 law again amended.

Appointment of Warrant Officer.

Duties in issuing warrants.

Issuance of warrants.

Not bar to other public offices.

1927 law again amended.

Provision for Sinking Fund Committee.

Powers.

Terms of office.

Disqualifications.

"Commission"
defined.

That whenever the word "Commission" appears in said act it is stricken out, and the word "Committee" is substituted in lieu thereof.

Conflicting laws
repealed.

SEC. 7. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 8. That this act shall be in full force and effect from and after its ratification.

Ratified this the 21st day of March, A.D., 1931.

CHAPTER 105

AN ACT TO AMEND CHAPTER ONE HUNDRED AND EIGHTY-FOUR, PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-THREE, SO AS TO CORRECT A SHORT LINE IN THE BOUNDARY OF THE TOWN OF JONESVILLE, YADKIN COUNTY.

The General Assembly of North Carolina do enact:

Ch. 184,
Private Laws
1923, amended,
correcting
boundary line in
Jonesville.

SECTION 1. That section one of chapter one hundred and eighty-four, Private Laws of one thousand nine hundred and twenty-three, be amended by striking out in lines four, five, six and seven thereof the words: "Beginning at a branch, the northwest corner of J. C. Pinnix land on the bank of the Yadkin River; thence southwardly course to a point west of J. C. Ray's residence" and inserting in lieu thereof the following:

"Beginning at the mouth of a branch, bank of river, near 'old Ferry landing', northeast corner of J. C. Pinnix land, and running south with said branch to a road and bridge, thence west with said road to a branch and bridge near J. C. Ray's 'Ash' corner; thence southwest to a point west of J. C. Ray's 'Greenwood' residence."

Conflicting laws
repealed.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 3. That this act shall be in full force and effect from and after its ratification.

Ratified this the 21st day of March, A.D., 1931.

CHAPTER 106

AN ACT RELATING TO THE INDEBTEDNESS OF THE TOWN OF MARION.

The General Assembly of North Carolina do enact:

Computation of
debt limit
in Marion.

SECTION 1. That in computing the indebtedness of the Town of Marion, in applying any debt limit now or hereafter, indebtedness incurred for school purposes shall be excluded.

SEC. 2. This act shall be in force from and after its ratification.

Ratified this the 21st day of March, A.D., 1931.

CHAPTER 107

AN ACT TO AMEND CHAPTER THREE HUNDRED NINETY-FIVE OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED NINE AND ALL ACTS AMENDATORY THEREOF, RELATING TO THE CITY CHARTER OF THE CITY OF HIGH POINT.

The General Assembly of North Carolina do enact:

ARTICLE 1. *Amendment.*

SECTION 1. That Chapter three hundred ninety-five of the Public-Local Laws of one thousand nine hundred nine and all acts amendatory thereof be and the same are hereby amended to read as follows:

Ch. 395,
Public-Local
Laws 1909,
amended, charter
of High Point.

ARTICLE 2. *Name, Boundaries and Powers.*

SECTION 1. That the inhabitants of the City of High Point, in Guilford County, shall be and continue as they have been a body politic incorporated under the name and style of City of High Point, and as such the corporation is hereby vested with all the property and rights of property which now belong to the corporation, under any other name or names, and in this name may acquire and hold such estate in lands and property as may be devised, bequeathed, sold to, or in any manner conveyed to it or acquired by it and may from time to time, under the general law governing municipal corporations, invest, sell or dispose of any said lands or property, including land and property held for municipal purposes, and under said name shall have power to contract and be contracted with, to sue and to be sued, and shall have all the power, duties, and privileges conferred and provided for herein, and all the powers, duties and privileges implied by law and all rights and privileges necessary or appropriate to the powers hereafter conferred on the corporation by law, not inconsistent herewith.

Made municipal
corporation.

Corporate
powers.

SEC. 2. The general powers of the city shall especially include those powers conferred upon municipal corporations by section two thousand six hundred twenty-two and section two thousand seven hundred and eighty-seven of the Consolidated Statutes of North Carolina not inconsistent herewith, but the granting of such powers herein shall not be construed as a limitation, but the said city shall have all powers hereafter conferred by the general law of the State of North Carolina, not inconsistent herewith, and shall especially have the power to acquire property by condemnation of the same for all public uses, such acquisition to be made in the same manner and under the same procedure as is provided under Article two of Chapter thirty-three of the Consolidated Statutes of North Carolina entitled "Eminent Domain."

General powers
conferred by
State law.

Condemnation.

Corporate boundaries.

SEC. 3. That the territory embraced within the said corporation shall consist of an area nine and three-quarters (9¾) square miles, and its boundaries and limits shall extend three and one-quarter (3¼) miles north and south and three (3) miles east and west, running with the cardinal points of the compass, the reckoning to be taken from the center of Main Street where it crosses the Southern Railway, to-wit: one and five-eighths (1⅝) miles north of said center, and one and five-eighths (1⅝) miles south of said center, and one and one-half miles east of said center, and one and one-half miles west of said center; and all the territory contained within said boundaries or limits shall be divided into four (4) wards, as follows: the first ward shall contain all the territory lying north of the Southern Railway and west of North Main Street. The second ward shall contain all the territory lying north of the Southern Railway and east of North Main Street. The third ward shall contain all the territory lying south of the Southern Railway and west of South Main Street. The fourth ward shall contain all the territory lying south of the Southern Railway and east of South Main Street.

Division of city into four wards.

Certain other general laws applicable.

SEC. 4. The City of High Point shall have the rights, powers, privileges, duties, and obligations herein specifically conferred and also such as are contained in those sections and statutes of the General Law of North Carolina applicable to municipal corporations and the amendments thereto which may be made hereafter, so far as same may not be inconsistent herewith, as are hereinbefore or hereinafter set forth and none other:

(a) C. S. two thousand seven hundred and eighty-nine except the words "Now or" appearing after the words "North Carolina" therein; C. S. two thousand seven hundred ninety; C. S. two thousand six hundred seventy-three; and C. S. two thousand six hundred seventy-four shall apply to the City of High Point.

Acquisition of property.

(b) Acquisition of Property—C. S. two thousand seven hundred ninety-one; two thousand seven hundred ninety-two and C. S. two thousand seven hundred ninety-two sub-sections A. to P. inclusive shall apply to the City of High Point.

Streets and sidewalks.

(c) Streets and Sidewalks—C. S. two thousand seven hundred ninety-three and C. S. two thousand seven hundred ninety-three sub-sections A. to C. inclusive shall apply to the City of High Point.

Markets.

(d) Markets—C. S. two thousand seven hundred ninety-four and C. S. two thousand six hundred seventy-four shall apply to the City of High Point.

Public Health.

(e) Public Health—C. S. two thousand seven hundred ninety-five to C. S. two thousand eight hundred inclusive shall apply to the City of High Point.

- (f) Fire Protection—C. S. two thousand eight hundred one to C. S. two thousand eight hundred four inclusive shall apply to the City of High Point. Fire protection.
- (g) Sewerage and Sewerage Disposal—C. S. two thousand eight hundred five; C. S. two thousand eight hundred six and C. S. two thousand eight hundred six sub-sections A. to H. inclusive shall apply to the City of High Point. Sewerage and sewerage disposal.
- (h) Water and Lights—C. S. two thousand eight hundred seven; C. S. two thousand eight hundred eight and C. S. two thousand eight hundred nine shall apply to the City of High Point. Water and lights.
- (i) Cemeteries—C. S. two thousand eight hundred ten; C. S. two thousand eight hundred eleven and C. S. two thousand eight hundred twelve shall apply to the City of High Point. Cemeteries.
- (j) Ordinances—C. S. two thousand eight hundred twenty-five shall apply to the City of High Point. Ordinances.
- (k) City Clerk—C. S. two thousand eight hundred twenty-six shall apply to the City of High Point. City Clerk.
- (l) Qualifications of Officers—C. S. two thousand six hundred forty-six; two thousand six hundred forty-seven and two thousand six hundred forty-eight shall apply to the City of High Point. Qualifications of officers.
- (m) License to Plumbers—C. S. two thousand eight hundred nineteen shall apply to the City of High Point. License to plumbers.
- (n) Officers' Bonds—C. S. two thousand eight hundred twenty-eight shall apply to the City of High Point. Officers' bonds.
- (o) Contracts for Public Works—C. S. two thousand eight hundred thirty; C. S. two thousand eight hundred thirty-one and C. S. two thousand eight hundred thirty-one (a) shall apply to the City of High Point. Contracts for public works.
- (p) Control of Public Utilities—C. S. two thousand eight hundred thirty-two shall apply to the City of High Point. Public utilities.
- (q) Management of Public Works—C. S. two thousand eight hundred thirty-four shall apply to the City of High Point. Management of public works.
- (r) Accounting System—C. S. two thousand eight hundred forty and C. S. two thousand eight hundred forty-one shall apply to the City of High Point. Accounting system.
- (s) Initiative and Referendum of Laws—C. S. two thousand eight hundred eighty-three shall apply to the City of High Point. Initiative and referendum.
- (t) Recall of Officials—C. S. two thousand eight hundred eighty-five shall apply to the City of High Point. Recall.
- (u) Policemen—C. S. two thousand six hundred forty-two shall apply to the City of High Point. Policemen.
- (v) Sale of City Property—C. S. two thousand six hundred eighty-eight and C. S. two thousand six hundred ninety shall apply to the City of High Point. Sale of city property.

Street
improvements.

That in addition to the statutes above enumerated, the provisions of Chapter one hundred fifty-six of Private Laws of one thousand nine hundred twenty-seven entitled "An Act to provide a Method for the Ultimate Widening, Extension and Opening of Streets; for the Gradual Acquisition of Lands necessary for such Improvements; and for the assessment of the cost thereof" shall apply to the City of High Point.

ARTICLE III. *Governing Body—Organization, Power and Duties.*

Composition
of governing
body.
Power and
duties.

SECTION 1. The Governing Body of the City of High Point shall consist of two councilmen from each of the four wards of the city and a mayor. The Governing Body shall have the power and duty of adopting all laws and ordinances consistent with the Constitution and laws of the State of North Carolina for the efficient government of the said city and the administration of its affairs, and the said Governing Body shall have and exercise all authority appertaining to its function as the legislative body of the said city.

Term of office
and duties
of mayor.

SEC. 2. The mayor of the City of High Point shall hold office for a term of two (2) years and until his successor is duly elected and qualified. Any duly qualified elector of the City of High Point shall be eligible for the office of mayor. The mayor shall preside at all meetings of the Governing Body and shall have power to vote on all questions. He shall be deemed the official head and spokesman of and for the city in all acts of ceremony and he shall represent the city upon all public state occasions. In case of the death, resignation, or disability of the mayor from any cause, the Governing Body, or Council, shall choose a mayor from among the qualified voters of the city to serve the unexpired term.

Vacancy
appointment.

Term of
councilmen.

SEC. 3. City Councilmen shall be elected for a term of two (2) years and shall hold office until their successors are duly elected and qualified. Any duly qualified elector of the City of High Point resident in the ward from which he shall offer himself as councilman shall be eligible for the office of city councilman. In the event of the death, resignation, removal from the ward which he may represent, or disability from any cause of a councilman the Governing Body, or Council, shall choose a member from among the qualified voters of the Ward of the vacating Councilman to fill the vacancy.

Vacancies.

Officers
limited to
one office.

SEC. 4. No councilman or mayor shall hold any other public office or place of trust under any government or governmental subdivision in the City of High Point.

Meetings
of governing
body.

SEC. 5. The Governing Body at its first meeting after its election or as soon thereafter as may be convenient, shall fix stated dates for the meetings of said body, which shall be not less than twice in every calendar month, and shall provide by

resolution for the calling of special meetings whenever same may become necessary, and shall provide rules governing the conduct and procedure of said meetings. It shall appoint a city clerk and a treasurer, who shall hold office at the will of the council, fix the compensation to be paid such officers and the amount of the bond to be furnished by them.

City clerk
and treasurer
appointed.

SEC. 6. Any five councilmen, or any four councilmen and the mayor, shall constitute a quorum for the transaction of business in any matter before the Governing Body; a majority vote of the quorum shall control, except that in the matter of ordinances and resolutions a majority of the members of the council shall be required.

Quorum.

SEC. 7. The compensation of each member of the Governing Body shall be two (\$2.00) dollars for each meeting of the Governing Body which he shall attend.

Compensation.

SEC. 8. The Governing Body shall create a police department and a fire department and shall define their duties and scope of operation. The Governing Body may also create or abolish such other departments, bureaus and offices as may be necessary to the efficient conduct of the city's affairs, and shall fix the salaries of all heads of departments, officers and employees of the city, except that the Governing Body may not abolish those departments, officers or bureaus provided for by this charter. The Governing Body may provide for the creation, housing, equipment, and operation of such public institutions and agencies necessary to the city and not otherwise provided for herein.

Police and
fire departments.

Other offices.

ARTICLE IV. *Elections and Primaries.*

SECTION 1. All persons entitled to vote for members of the General Assembly, and who have been residents of the city and ward in which they offer to vote for four (4) months next preceding the day of election, and who shall have registered and qualified as provided in the general laws of North Carolina relative to municipal elections, shall be allowed to vote for mayor and councilmen from each of the four wards of the City of High Point, and no person not a resident of said city and ward from which he offers to vote shall be an elector of the city. But if any duly qualified elector shall have moved from one ward of the city to another within the four (4) months next preceding any election, he shall be entitled to vote in the said election in the ward from which he shall have moved.

Qualifications
for voters
in primaries
and elections.

SEC. 2. There shall be in the City of High Point a Municipal Board of Elections to consist of three qualified voters thereof, and men of good moral character, who shall be appointed by the County Board of Elections for Guilford County, within five days after the ratification of this act, and biennially thereafter on the first Tuesday after the first Monday in March, whose term

Municipal Board
of Elections.

Terms of office.

of office shall continue in the first instance to the first Tuesday after the first Monday in March, one thousand nine hundred thirty-three, and until their successors are elected and qualified, and thereafter from the time of their election to the first Tuesday after the first Monday in March of the second year following their election and until their successors are elected and qualified, unless sooner removed as provided for in section five thousand nine hundred thirty of the Consolidated Statutes of North Carolina, the provisions of which are hereby made applicable to the County Board of Elections in exercising authority over said Municipal Board of Elections. Not more than two members of the Municipal Board of Elections shall belong to the same political party, and the chairman in High Point Township of each political party shall have the right to recommend for membership on said Municipal Board of Elections three electors in the City of High Point, and the County Board of Elections shall appoint the Municipal Board from the names thus submitted, unless such chairman fail to recommend after being given one day's notice.

Party
representation.

Organization.

SEC. 3. Said Municipal Board of Elections shall meet and organize within five days after their appointment at a time and place to be designated in their certificates of appointment.

Powers and
authority.

SEC. 4. That said Municipal Board of Elections with respect to all primaries and elections held in the City of High Point shall exercise all the powers and authority vested in the governing body, or "Board of Commissioners", under Article three of Chapter fifty-six of the Consolidated Statutes of North Carolina, and amendments thereto, not inconsistent with this act, and all powers and authority conferred upon the County Board of Elections by sections five thousand nine hundred and twenty-five, five thousand nine hundred and twenty-six, five thousand nine hundred and twenty-eight, five thousand nine hundred and thirty-one and all other general statutes of North Carolina and amendments thereto relating to County Boards of Elections, and not inconsistent with the provisions of this act, shall be exercised by the Municipal Board of Elections respecting all primaries and elections held in the City of High Point.

Specific powers.

SEC. 5. That said Municipal Board of Elections shall have power and authority:

Precincts.

(a) To divide the city into as many precincts as they may deem advisable and prescribe the boundaries thereof and designate the voting places therein;

Election
officials.

(b) To appoint all registrars, judges of elections and other election officials;

General
authority.

(c) To have general authority over all primaries and elections;

Voting supplies
and equipment.

(d) To provide all necessary books, blanks and other equipment and voting places as may be necessary to the registration

of the voters and holding of any and all primaries and elections in the City of High Point.

SEC. 6. That all the provisions of Chapter ninety-seven and Article three of Chapter fifty-six of the Consolidated Statutes of North Carolina entitled "Elections", and amendments thereto, which are not inconsistent with this act, and applicable to such primaries and elections, shall apply to primaries and elections held in the City of High Point.

General election laws applicable.

SEC. 7. That notice of a new registration shall be published once each day for one week in a newspaper, or newspapers, published in the City of High Point, in lieu of the thirty days required by section two thousand six hundred fifty-five of the Consolidated Statutes of North Carolina, *Provided*, that this does not affect primary elections provided for in section thirteen hereinafter.

Notice of new registration.

SEC. 8. Notice of any change in voting places of precincts shall be by publication of notice as aforesaid once each day for seven days, unless made within less than seven days before any primary or election, then for such time as may elapse between the date of such change and the date of such primary or election, as the case may be.

Notice of change in voting places.

SEC. 9. That on the second Tuesday before the first Monday in May one thousand nine hundred and thirty-one, and biennially thereafter there shall be held in the several precincts of the City of High Point a primary election for the purpose of nominating two candidates of each political party from each ward for councilmen and one candidate for mayor, of each political party in the City of High Point, and that the two candidates for councilman from each ward and the candidate for mayor of each political party receiving the highest number of votes shall be declared the nominees of their respective parties for such offices at the election to be held on the following first Tuesday after the first Monday in May.

Time of biennial primaries.

Candidates to be named.

Nominees.

SEC. 10. That the Municipal Board of Elections shall appoint the Registrars, Judges of Election and other election officers within sufficient time for the registration of the voters and the holding of the primary, and that no officer or employee of the City of High Point shall be appointed Registrar, a Judge of Election or other election officials.

Appointment of election officials.

SEC. 11. The name of each candidate for nomination in such primary shall be filed with the chairman of the Municipal Board of Elections not later than the third Tuesday before the first Monday in May preceding the primary. Such notice of candidacy shall set forth:

Filing of candidacies.

- (a) The name of the candidate;
- (b) The age of the candidate;
- (c) The address of the candidate and the street and number of his residence.

Contents of notice of candidacy.

- (d) The length of his residence at such street address;
- (e) The name of the political party the nominee of which he seeks to be; and
- (f) The office for which he seeks nomination, whether councilman, or mayor, and, if as councilman, from which ward.
- Filing fee of \$5. Such notices may be filed by the candidate or any qualified voter of the city but must be accompanied with a fee of five dollars (\$5.00) to be used as expenses by the Municipal Board of Elections.
- Certification of nominees in absence of contest. For councilmen. SEC. 12. That if not more than two names of candidates of a political party for nomination as the candidate of such political party for councilman of any ward be filed with the chairman of the Municipal Board of Elections, then such board shall declare such persons to be the duly nominated candidates of such political party for such offices in the election to be held on the first Tuesday after the first Monday in May following; and if not more than one name of a candidate of a political party for the nomination as the candidate of such political party for mayor be filed with the chairman of the Municipal Board of Elections, then such person shall be declared the candidate of such political party as its candidate for mayor at the election to be held on the first Tuesday after the first Monday in May following. If there be more than two candidates of any one political party for councilman from any one ward or if there be more than two candidates of any political party for mayor, then the primary herein provided for shall be held as to such candidates only.
- For mayor. SEC. 13. The registration books for the primary to be held on the second Tuesday before the first Monday in May, one thousand nine hundred and thirty-one, and biennially thereafter shall be opened for at least two weeks next preceding such primary and no notice of a new registration for any primary shall be required, but if no advance notice is given then notice shall be published in some newspaper published in the City of High Point for seven consecutive days beginning with the day on which the registration books are opened. All voters registered for any primary shall be deemed duly registered voters for the election to be held on the first Tuesday after the first Monday in May following. Each voter at the time of registering shall give to the registrar the name of the political party with which he generally affiliates, otherwise the registrar shall register such voter as "declines."
- Primary. SEC. 14. The Municipal Board of Elections shall, within five days after the expiration of the time provided for the filing of names of candidates for nomination, have prepared and printed official ballots, in sufficient quantities for the primary election, which official ballots shall set forth the name of the political party, the candidates for each office, the number of can-
- Opening of registration.
- Notice.
- Party affiliation to be declared.
- Printing of official ballots for primary.
- Contents.

didates for which each elector may vote and a square in front of each name in which each voter shall indicate by a cross mark each of the candidates for which the elector votes. There shall be separate ballots for each political party having a contest in the primary and the ballots for each party shall be printed on paper of different color. The ballots shall be distributed to the registrars on the Monday preceding the primary, who shall have them at the voting places on the following day. Each official ballot shall bear a facsimile of signature of the Chairman of the Board of Elections of the City of High Point. Only official ballots shall be voted in the primary and if other ballots are voted, they shall not be counted.

Separate party
ballots.

Distribution.

SEC. 15. There shall be one ballot box at each polling place for each political party having a contest in the primary and it shall be marked by the name of the political party.

Ballot boxes.

SEC. 16. The Municipal Board of Elections shall tabulate the returns and declare the results of the primary. Nominations shall be determined for all officers by a plurality of all votes cast and there shall be no second primary.

Canvassing
primary
returns.

SEC. 17. The term "Political Party", as used in this act shall include all political parties having candidates for State offices in the general elections next preceding the primary election herein provided.

"Political
Party"
defined.

SEC. 18. That immediately after the primary election the Municipal Board of Elections shall cause ballots to be prepared in sufficient number for use in the election, which said ballots shall in the main conform to the election laws of the State; and the election shall be held under the general election laws of the State: *Provided*, that where the word "City Clerk" appears in the general election law of the State with reference to municipal elections, as applied to the City of High Point, it shall be construed to mean the Chairman of the Municipal Board of Elections.

Ballots for
election.

"City Clerk"
defined.

SEC. 19. When the Municipal Board of Elections is not in session, the Chairman thereof shall exercise all the powers and authority vested in it by this act, and any act of the Chairman so exercised shall conclusively be deemed the act of the Municipal Board of Elections.

Powers of
Chairman of
Board of
Elections.

SEC. 20. The registration books shall be kept open for one week after the primary. Challenges shall be filed on the last Saturday before the election; and shall be heard on Monday before the election on Tuesday. The election shall be held on the first Tuesday after the first Monday in May one thousand nine hundred and thirty-one and biennially thereafter.

Opening of
registration
books for
election.
Challenges.
Time of election.

SEC. 21. The candidate for Mayor receiving the largest number of votes, and the candidate from each ward receiving the highest number of votes shall be deemed elected.

Declaration of
those elected.

Canvassing
of returns.

SEC. 22. The Municipal Board of Elections shall meet immediately after the Board of Canvassers shall have completed their canvass and tabulate the votes and certify to the governing body the results of the election, setting forth the names of the candidates elected and the respective offices to which they have been elected. The results so tabulated shall be certified by the Municipal Board of Elections and filed with the governing body of the City of High Point on the same day on which the canvass is made by the Board of Canvassers, which shall be set out in the minutes of the governing body and upon such certification, those so certified as having been elected to the several offices shall be deemed duly elected for the term of two years, and upon qualifying shall take office on the second Tuesday after the first Monday in May, following the election.

Certification
of results.

Election
expenses.

SEC. 23. That all expenses of the Municipal Board of Elections which in the opinion of the Municipal Board of Elections are necessary, shall be paid by the City of High Point within five days after the presentment of bills approved by the Chairman of the Municipal Board of Elections and over his signature.

"Clerk"
defined.

SEC. 24. That wherever the word "Clerk" or the words "City Clerk" are used in the general laws relative to Municipal Elections only, such words for the purpose of this act shall be deemed to refer to the Chairman of the Municipal Board of Elections.

Absentee
voting law
not applicable.

SEC. 25. That the absentee voting law of North Carolina shall not apply to Municipal primaries and elections held in the city of High Point.

Special election
called upon
petition to refer
partisan
primary.

SEC. 26. That the City Council of High Point, upon petition signed by at least five hundred of the qualified electors of the city, shall call a special election after the lapse of eighteen months following the first election held under this act and before the lapse of twenty-four months, and refer under regulations prescribed by the Municipal Board of Elections the partisan primary provisions of this act to a vote of the people of the City of High Point: *Provided further*, that for such special election the registration books shall be kept open for a period of at least three weeks within the thirty days next preceding the said special election. That if a majority of the registered and qualified voters of the City of High Point shall vote in said special election for repeal, then all such provisions providing for partisan primaries shall be repealed. That the provisions of Article twenty, of Chapter fifty-six of the Consolidated Statutes of North Carolina, and amendments thereto, shall not be invoked to repeal or amend this act until after the lapse of thirty months following its ratification; but that all provisions of said Article and Chapter not in conflict with this section shall apply to the City of High Point.

Registration.

ARTICLE V. *City Manager.*

SECTION 1. The Governing Body shall appoint a City Manager, who shall be the administrative head of the City Government, and shall be responsible for the administration of all departments. He shall be appointed with regard to merit only and he need not be a resident of the city when appointed. He shall hold office during the pleasure of the Governing Body and shall receive such compensation as it shall fix by ordinance. Orders to the employees of the city shall be given only through and by the City Manager.

City Manager appointed.

Qualifications.

SEC. 2. The City Manager shall:

Duties of City Manager.

Administrative head.

(a) Be the administrative head of the municipality;

(b) See that within the city the laws of the State and the ordinances, resolutions and regulations of the Governing Body are faithfully executed;

Law enforcement.

(c) Attend all meetings of the City Council and recommend for adoption such measures as he shall deem expedient;

Recommendations to governing body.

(d) Make reports to the Governing Body from time to time upon the affairs of the city, keep the Governing Body fully advised of the city's financial condition and its future financial needs;

Reports.

(e) Appoint by and with the consent of the governing body, and remove in his discretion all heads of departments, superintendents, and other employees of the city who are employed by him, unless otherwise provided herein.

Power of appointment and removal.

(f) Promulgate rules and regulations for applicants for positions in the police and fire departments of the city, which rules and regulations shall be approved by the Governing Body.

Control over applicants for positions.

SEC. 3. Such officers and employees as the Governing Body shall determine are necessary to the city shall be appointed by the City Manager, by and with the consent of the Governing Body, and any such officer or employee may be removed by him in his discretion; but the City Manager shall report to the City Council at its next regular meeting every such appointment or removal; *Provided, however,* that the said Council may, by resolution, designate the class or classes of employees in which appointment or removals need not be reported to the Council. The officers and employees of the City shall perform such duties as may be required of them by the City Manager under general regulations of the Governing Body.

Officers and employees.

Appointments and removals.

ARTICLE VI. *Taxation.*

SECTION 1. (a) For the purpose of raising revenue for defraying the general expenses incident to the proper government of the municipality, the City Council shall have the power to levy and collect an annual ad valorem tax on all taxable property within the municipality, at a rate not exceeding \$1.00

Levy of taxes for governmental purposes.

Rate limited.

School tax rate. (one dollar) on the \$100.00 (one hundred dollars) of said valuation of property, and \$1.00 (one dollar) on polls, notwithstanding any other law, general or special, heretofore or hereafter enacted, except a law hereinafter enacted expressly repealing or amending this section; and in addition the Governing Body shall have the power to levy and collect annually a school tax at a rate not exceeding fifty (50) cents per hundred dollars (\$100.00) valuation of property.

Taxes levied for debt service.

(b) And shall levy and collect a tax ad valorem and without limitation as to the amount, upon all the taxable property within the municipality sufficient to pay the principal and interest of all bonds of the city now outstanding or which may be hereafter issued for the necessary expenses of the city, as such principal and interest become due;

Franchise taxes.

(c) And may annually levy tax on all trades, professions and franchises carried on or enjoyed within the city unless otherwise provided by law;

Tax on shows, etc.

Tax graduation.

(d) And may lay a tax on all such shows and exhibitions for reward as are taxed by the General Assembly. The Governing Body shall have the power to graduate any of the license taxes on trades, professions, franchises, or any subjects of taxation by dividing the same into classes, but the said taxes shall be uniform to all of any class.

Assessment of taxable property.

SEC. 2. The Township Board of Trustees, or any other legally authorized body, shall assess the taxable property of the City of High Point and make return to the County Commissioners for revision at such time or times as the City Council may by ordinance designate.

General law applicable.

SEC. 3. The provisions of the following sections of the Consolidated Statutes of North Carolina, and the amendments thereto, shall apply to the City of High Point; Sections two thousand eight hundred and thirteen to two thousand eight hundred and eighteen inclusive, two thousand six hundred and eighty-one, two thousand six hundred and eighty-four, two thousand six hundred and eighty-five, two thousand six hundred and eighty-six, and two thousand six hundred and eighty-seven, seven thousand nine hundred and eighty-one, seven thousand nine hundred and eighty-nine, seven thousand nine hundred and ninety, seven thousand nine hundred and ninety-one.

Listing and collecting taxes.

SEC. 4. The Governing Body of the City of High Point shall have the authority to provide by ordinance or otherwise for the method of listing and collecting taxes.

General law applicable.

SEC. 5. The General Law of the State of North Carolina as contained in Chapter one hundred and thirty-one, Sub-Chapter one hundred and eleven, Article thirteen and fourteen of the North Carolina Consolidated Statutes and the amendments

thereto and any pertinent and applicable substitutions thereof governing the allowable discounts and penalties, the time and method of sale of property for delinquent taxes, and the rights and remedies of the purchaser of delinquent taxes, shall apply to the City of High Point.

Discounts and penalties.

ARTICLE VII. *Court.*

SECTION 1. Chapter three hundred and ninety-five of the Public-Local Laws of one thousand nine hundred and nine and Chapter five hundred and sixty-nine of the Public-Local Laws of one thousand nine hundred and thirteen and Chapter six hundred and ninety-nine of the Public-Local Laws of one thousand nine hundred and twenty-seven, and the amendments to said laws, so far as said laws and amendments relate to the municipal court of High Point are incorporated herein, and made a part hereof, and shall be and remain in full force and effect.

Municipal court.

ARTICLE VIII. *Public Free Schools.*

SECTION 1. Chapter three hundred and ninety-two of the Public Laws of one thousand eight hundred and ninety-seven, and Chapter two hundred and seventy-nine of the Public Laws of one thousand nine hundred one, and Section twenty-two of Chapter three hundred and ninety-five of the Public-Local Laws of one thousand nine hundred and nine, and Chapter one hundred eighty-one of the Private Laws of one thousand nine hundred thirteen, and amendment number three submitted and approved at the regular Municipal Election held on May sixth, one thousand nine hundred nineteen, and all amendments to said laws, so far as said laws and amendments relate to the Public Free Schools of the City of High Point are incorporated herein and made a part hereof, and shall be and remain in full force and effect.

Schools.

ARTICLE IX. *Finances.*

SECTION 1. All the terms and provisions of Article twenty-three of Chapter fifty-six of the Consolidated Statutes of North Carolina entitled the "Municipal Finance Act of one thousand nine hundred twenty-one", and the amendments thereto, now or hereafter made, and not inconsistent herewith, are hereby adopted as a part of this Charter and shall apply to the City of High Point.

Municipal finances.

ARTICLE X. *Public Library.*

SECTION 1. The City of High Point shall have the power to provide for, establish and maintain a free public library within the city, and to co-operate with any person, firm or corporation under such terms as the Governing Body may prescribe, for the establishment of such free public library, and to that end they shall appropriate, annually, out of the general revenue of the city as a fund for the support and maintenance

Maintenance of public library.

Annual appropriation.

Special tax.

of such public free library a sum not to exceed two cents on each one hundred dollars of the assessed taxable values of the city for the current year; *Provided*, nothing in this section shall prohibit the Governing Body from levying a special tax sufficient to maintain such public free library, by submitting the question to the vote of the qualified electors of the said city.

ARTICLE XI. *Charity Hospitalization.*

Charity hospitalization.

SECTION 1. The powers conferred upon municipalities with respect to hospitals and the protection of the public health, by Chapter fifty-six, Article five, Sections two thousand seven hundred and ninety-five, two thousand seven hundred and ninety-eight inclusive, of the Consolidated Statutes shall apply to High Point.

ARTICLE XII. *Streets and Sidewalks.*

Streets and sidewalks.

SECTION 1. The Governing Body shall cause to be kept clean and in good repair the streets, sidewalks and alleys of the city. It may establish the width and ascertain the location of streets and sidewalks already provided, and may lay out and open others. It may also lay out, open and regulate public grounds or parks and care for same, and protect the shade trees of the city.

Public grounds and parks.

Paving with or without petition.

SEC. 2. Upon the written petition of the owners of the majority of the footage on either side of the street in any one block or in the event that the majority of the footage on either side of the street in any one block be already paved with sidewalk, the Governing Body may require that the side of such block of street concerned with said petition or the side of such block of street, the majority of the footage on which is already paved to be paved with sidewalk at the expense of the owners of the property abutting the improvement, or may require the owners of such property abutting the portion of street to be improved to pave same with sidewalk. After due notice to so pave such sidewalk, and not less than two weeks after such notice to the owner, such work may be done by the city, and the cost thereof assessed against the lot immediately abutting said sidewalk. After such work has been done by the City of High Point the Governing Body shall cause to be published one notice of the completion of said work, setting forth a description in general terms of such improvement and the time fixed for the meeting of the Governing Body for the hearing of allegations and objections relative to the adoption of the cost of such improvement as an assessment roll, which meeting shall not be earlier than ten (10) days from the publication of such notice in a newspaper published in the City of High Point, the Governing Body must hear the allegations and objections of all persons in-

Notice to pave.

Objections heard.

terested. The Governing Body may thereupon confirm such assessment roll, or correct and confirm such assessment roll. Whenever the Governing Body may confirm an assessment for such improvement, the clerk of the municipality shall enter upon the minutes of the Governing Body the date, hour and minute of such confirmation. From the time of such confirmation the assessments embraced in the assessment roll shall be a lien on the real property against which the same are assessed superior to all other liens and encumbrances, except taxes and liens held by the City of High Point against such real property for street assessments. Such Governing Body shall have the power and authority to provide that such assessments shall be paid in cash or in not more than five (5) equal annual installments; *Provided* the City of High Point shall first establish the proper grade.

Confirmation of assessment roll.

Declaration of lien.

Paying in installments.

ARTICLE XIII. *Miscellaneous.*

SECTION 1. No member of the Governing Body shall vote on any ordinance, resolution, or motion whereby any contract is let or sale of any note or bond is authorized when such member is an officer, a director, a stockholder, or a large creditor of the other party to such a contract, or bidder for such note or bond. Nor shall such member use or attempt to use his influence directly or indirectly with other members of the Governing Body to vote for any such ordinance, resolution or motion. No member of the Governing Body shall vote for any ordinance, resolution, or motion awarding a contract to any person, firm, or corporation with whom such member has entered into a prior agreement to furnish either directly or indirectly to such person, firm or corporation any part or all of the equipment, supplies, or materials necessary or incident to or to be used in connection with the performance of such contract. Nor shall such a member use or attempt to use his influence directly or indirectly with any other member of the Governing Body to vote for such an ordinance, resolution or motion. Nor shall any member of the Governing Body or other officer or employees of the city have any interest directly or indirectly in any work, business or contract wherein the city is interested, or the expenses, price, or consideration of which is paid by the city from its treasury, except such members may be a stockholder or director of a corporation doing work for or having business with the city, but in such matters he shall not vote or otherwise influence or attempt to influence other members of the Governing Body. No member of the Governing Body shall become surety for any person in any contract, work or business of the city, or on any bond in connection with any grant of license or franchise of the city, or any bond of any officer or employee of the city. Nor shall any member of the Governing Body sell any-

Officials prohibited from voting for contracts to firms in which they are interested.

Other kindred prohibitions.

thing whatsoever, either directly or indirectly, to the City of High Point. No member of the Governing Body shall purchase directly or indirectly anything from or through the City of High Point.

School board.

SEC. 2. That the foregoing provisions of Section one of this Article shall apply to the school board of the city.

Violations made misdemeanor.

SEC. 3. Any member of the Governing Body or any member of the school board violating any of the provisions of the foregoing section numbers one and two of this Article shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than five hundred (\$500.00) dollars, nor more than one thousand (\$1,000.00) dollars, or imprisoned for a term of not more than six months, or both in the discretion of the Court.

Punishment.

Ch. 220, Private Laws 1927, repealed as to High Point.

SEC. 4. Chapter two hundred and twenty of the Private Laws of one thousand nine hundred and twenty-seven, so far as same is applicable to the City of High Point, is hereby repealed, and all charges in connection with the municipal sewer system shall be collected in the same manner and under the same rules governing the collection of charges for water and lights.

Sewer connections.

Issuance of bonds and notes.

SEC. 5. The City of High Point may issue its negotiable notes or bonds for any or all purposes authorized by the general law of the State relative to municipal corporations, and such notes or bonds shall be issued in accordance with and pursuant to the general law of the State relative to municipal corporations then in effect governing the issuance of notes and bonds; *Provided*, that until the gross debt of the City of High Point shall be reduced to less than ten per cent of the assessed valuation of property in said city no new indebtedness shall be created by the City of High Point in any fiscal year in excess of fifty per cent of the amount expended in the previous fiscal year for debt retirement and establishment of sinking funds, unless the creation of such new debt shall be authorized by the vote of the people, or is incurred in anticipation of the collection of revenues for such fiscal year: *Provided further*, that this limitation of debt contracting power shall not be construed to prevent the funding, re-funding or renewing of obligations of the city existing at the time of the ratification of this act.

Limitation of debt.

Funding obligations.

Present laws, not herein repealed, remain in force.

SEC. 6. That all ordinances, rules, resolutions and regulations of the City of High Point in force at the time of taking effect of this act, and not inconsistent herewith, shall continue in full force and effect until amended or repealed.

Constitutional part of Act upheld.

SEC. 7. In the event that any part, article, section or subdivision of this act shall be held unconstitutional, or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of the act, but the same shall continue in full force and effect notwithstanding such holding.

SEC. 8. All laws and clauses of laws in conflict with this act are hereby repealed.

Conflicting laws repealed.

SEC. 9. That this act shall be in full force and effect from and after its ratification.

Ratified this the 21st day of March, A.D., 1931.

CHAPTER 108

AN ACT TO AMEND THE CHARTER OF THE CITY OF WINSTON-SALEM.

The General Assembly of North Carolina do enact:

SECTION 1. That Section fourteen of Chapter two hundred and thirty-two of the Private Laws of nineteen hundred and twenty-seven, being the Charter of the City of Winston-Salem, is hereby amended so as to read as follows:

Ch. 232, Private Laws 1927, Charter of Winston-Salem, amended.

"That the Board of Aldermen shall have power and authority to enact all ordinances, by-laws, rules and regulations for the government of the City of Winston-Salem, as the Board may deem necessary and as may be allowed by law and the provisions of this act and not inconsistent with the Constitution and laws of the State, and to provide for the execution of such ordinances, rules and regulations; also to delegate to or confer upon committees of the Board powers to act on behalf of the city in any or all matters of government or management thereof.

Enactment of ordinances, etc., by Board of Aldermen.

"The Board of Aldermen shall have power and authority to classify the powers and functions of the city into several classes or departments; to appoint or select persons to have charge, supervision and control of the several classes of work or departments; to delegate to each of them necessary powers; prescribe and limit their duties, fix their compensation, adopt regulations for the government or conduct of said person or persons, and may distribute the executive and administrative powers, authority and duties of the city into and among three separate departments, to-wit: (1) Public Accounts and Finance, (2) Public Works, and (3) Public Safety, and may appoint a Commissioner of Public Accounts and Finance, a Commissioner of Public Works and a Commissioner of Public Safety. The Board of Aldermen may make such distribution of the administrative powers and duties of the city among these three departments as it may deem best. The Board of Aldermen may permit a vacancy to exist in either of said offices, except the Office of the Commissioner of Public Accounts and Finance, and may assign the powers and duties of such vacant office to either of the other commissioners or to the mayor who shall then ex-officio perform such delegated powers and duties."

Delegation of power.

Classification and distribution of powers to departments. Department heads.

Compensation.

Three departments named.

Law again amended.

SEC. 2. That section sixteen of Chapter two hundred and thirty-two of the Private Laws of nineteen hundred and twenty-seven, being the Charter of the City of Winston-Salem, is hereby amended so as to read as follows:

Compensation of officers and employees. Mayor, \$2000.

"The compensation of all officers and employees of the city shall be fixed by the Board of Aldermen, but the salary of the Mayor shall not exceed two thousand dollars per annum; *Provided*, that in case the Board of Aldermen shall assign the duties of Commissioner of Public Works or Commissioner of Public Safety to the Office of Mayor then the Board may fix the salary of the Mayor's office at such an amount as it may deem fair and just compensation in consideration of his full time services."

Exception.

Law again amended.

SEC. 3. The Charter of the City of Winston-Salem, being Chapter two hundred and thirty-two of the Private Laws of nineteen hundred and twenty-seven, is hereby amended by adding the following at the end of Section sixty:

Power of condemnation for certain purposes.

"The City of Winston-Salem shall be entitled, upon making just compensation therefor, to acquire by purchase or condemnation lands, privileges and easements in or out of the corporate limits, for the purpose of providing an adequate municipal water supply and/or sewer system, and shall be entitled to acquire by purchase or condemnation the right to divert water from natural water courses, and to conduct the same by flume, ditch, conduit or pipe line or any other manner to the point of use; *Provided*, that nothing in this act authorizes interference with any mill or power plant actually in process or construction or in operation; or the taking of water powers, developed or undeveloped, with the land adjacent thereto necessary for development; *Provided, however*, that if the court, upon filing of the petition by the city, shall find that it is necessary to divert such a proportion of water from any natural water course as to take property of any riparian owner, including electric, telegraph and power companies, possessing the power of eminent domain under Chapter thirty-two of the Consolidated Statutes of North Carolina, or other laws, whether the same are in actual use or being developed for use, or are being held for future development, and that the taking of such proportion of water or other property rights will be more to the benefit of the public than the continuation of the existing ownership of such lands or water rights, then the court, upon such finding, shall make an order authorizing the condemnation of such property, easements and rights in all respects as in the case of other property not devoted to public or quasi-public purposes."

Municipal water supply.

Diversions of water.

Condemning lands of public service corporations.

SEC. 4. This act shall be in force from and after its ratification.

Ratified this the 21st day of March, A.D., 1931.

CHAPTER 109

AN ACT TO PRESCRIBE HOW CANDIDATES MAY BE
NOMINATED IN THE TOWN OF MADISON.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter two hundred and ninety-eight (298) Private Laws one thousand nine hundred and nine (1909) be, and the same is, hereby amended by adding thereto, between sections six and seven, the following section:

Ch. 298, Private
Laws 1909,
amended.

“6a. No person in the town of Madison shall become a candidate in the municipal elections after the ratification of this act, unless he or they shall file notice of such candidacy with the clerk of the Board of Aldermen, at least ten days prior to the election. No other candidates than those filing such notice shall be eligible for election to any office in the town of Madison from and after the ratification of this act.”

Filing of
candidacies in
Madison
required.

SEC. 2. This act shall be in full force and effect from and after its ratification.

Ratified this the 23rd day of March, A.D., 1931.

CHAPTER 110

AN ACT TO REPEAL THE CHARTER OF THE BENSON
SCHOOL DISTRICT, PRIVATE LAWS ONE THOUSAND
NINE HUNDRED AND FIFTEEN, CHAPTER ONE HUN-
DRED AND FORTY-FIVE.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter one hundred and forty-five, Private Laws of one thousand nine hundred fifteen, and all acts amendatory and supplementary thereto, be and the same are hereby repealed, and that the special charter district of Benson shall be and become a special tax district and shall be under the management of the county board of education in every particular and in all respects as are other special tax districts of the county except as otherwise provided herein.

Ch. 145, Private
Laws 1915,
repealed,
repealing charter
of Benson
special charter
school district.
To become special
tax district.

SEC. 2. That the title to the public school property now vested in the board of trustees of said special charter district shall be, from and after April first, one thousand nine hundred thirty-one, vested in the county board of education in Johnston County, and the board of trustees of said special charter district, prior to said date, are hereby authorized and directed to convey all of the public school property now under their control to the county board of education.

Title to school
property to
revert to
Johnston County
Board of
Education.

Conveyance
of property.

SEC. 3. That the committee for the Benson special tax district shall be composed of five members whose terms of office shall begin on April first, one thousand nine hundred thirty-one, and continue as specified herein: Alonzo Parrish for a term of two

Appointment
of school
committee.

Terms of office.

years; J. M. Britt for a term of two years; Ezra Parker for a term or four years; C. T. Johnson for a term of four years; and J. F. Woodall for a term of six years. At the expiration of the terms of office of the members hereby specified, the county board of education shall appoint their successors as in other special tax districts. The county board of education is also authorized to fill any vacancies that may occur on account of death, resignation, or otherwise.

Vacancies.

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict with this act, to the extent of such conflict, are hereby repealed.

Effective April 1, 1931.

SEC. 5. That this act shall be in full force and effect from and after April first, one thousand nine hundred thirty-one.

Ratified this the 21st day of March, A.D., 1931.

CHAPTER 111

AN ACT AUTHORIZING THE BOARD OF TRUSTEES OF THE LINCOLNTON GRADED SCHOOL DISTRICT TO SELL CERTAIN REAL ESTATE BELONGING TO SAID DISTRICT.

The General Assembly of North Carolina do enact:

Trustees of Lincolnton Graded School District authorized to sell and convey certain school property.

SECTION 1. That the Board of Trustees of the Lincolnton Graded School District of Lincolnton, North Carolina, are hereby empowered, in their discretion and at such price as they may agree upon, to sell at private sale and convey by appropriate Deed, in whole or part, that certain lot or parcel of land lying and being in the Town of Lincolnton on the South side of East Main Street in Ward Two of the Town of Lincolnton, N. C., said lot being bounded on the North by State Highway, on the East by the Cansler Estate, on the South by the S. A. L. Railway Company, on the West by the colored Baptist Church, Mrs. C. L. Hopkins and the Lineberger Warehouse property and known as the Old Negro School Lot in the Town of Lincolnton, North Carolina.

Boundaries.

Chairman of Board to execute deed.

SEC. 2. That upon sale of said Real Estate, either in whole or a part thereof, by the Board of Trustees, and the payment in full of the purchase price, the Chairman of the Board of Trustees of the Lincolnton Graded School District is hereby directed to convey title to said property in his official capacity to the purchaser in fee simple.

Application of proceeds to school purposes.

SEC. 3. That the proceeds arising from the sale of the above described property as provided for shall be paid to the Treasurer of said Board of Trustees, and the monies coming into his hand shall be held by him as a special fund to be expended upon order of the Board of Trustees in the purchase of land or the erection of building or buildings or the purchase of equip-

ment as may be directed by the Board of Trustees, to be used for School purposes.

SEC. 4. That all laws and clauses and parts of laws inconsistent with the provisions of this act be, and the same are hereby repealed.

Conflicting laws repealed.

SEC. 5. That this act shall be in force and effect from and after its ratification.

Ratified this the 23rd day of March, A.D., 1931.

CHAPTER 112

AN ACT TO DEFINE THE BOUNDARIES OF THE CITY OF SALUDA IN THE COUNTY OF POLK AND TO AMEND THE CHARTER OF SAID CITY SO AS TO EXTEND THE BOUNDARIES THEREOF.

The General Assembly of North Carolina do enact:

SECTION 1. That the boundary lines of the City of Saluda shall be extended to embrace all territory described as follows:

Saluda corporate boundaries extended.

BEGINNING at an iron pin at the intersection of the eastern and northern margins of the corporate limits of said city, and running thence from said iron pin East one thousand four hundred and eighty-five (1485) feet to an iron pin; thence due South six thousand six hundred (6600) feet to an iron pin; thence West one thousand four hundred and eighty-five (1485) feet to an iron pin at intersection of the eastern and southern boundary line; thence North six thousand six hundred (6600) feet to the BEGINNING, said boundary lines being by horizontal measurement and situate and adjoining the eastern boundary of the old city limit boundary.

New boundaries.

SEC. 2. That before said extension of the corporate limits shall go into effect, the city council shall call a special election to be held at the same time that the municipal election is held for the election of mayor and city councilmen, being the first Tuesday after the first Monday in May, one thousand nine hundred and thirty-one, and the annexation of the territory described in section one shall be submitted to the vote of the qualified voters of the said city of Saluda and the territory proposed to be annexed, voting together; that a new or special registration of voters for said city and the territory proposed to be annexed for registration shall be had thirty days before the first Tuesday after the first Monday in May, one thousand nine hundred and thirty-one; that the registrar and judges of election appointed for regular municipal elections shall act as the registrar and precinct officers for the purpose of a new registration and for the holding of the election on the same date as that of the municipal election, as set out herein; that notice of the registration and election shall be posted in front of the City

Extension to be submitted to voters.

Time of election.

New registration.

Election officials.

Notice of registration.

Hall of the City of Saluda and published in the county paper for four consecutive weeks prior to the calling of the new registration, setting out the proposed extension, the date of registration and election.

SEC. 3. That at this special election those voters who favor extending the corporate limits as herein provided shall vote ballots on which are written or printed the words: "For extension", and those opposing shall vote ballots on which are written or printed the words: "Against extension". If at such election a majority of the qualified voters shall be for extending, then from and after the date of such election the territory described in section two of this act shall be a part of the corporate limits of said city; and such territory and its citizens and property shall be subject to all laws, ordinances and regulations in force in said city and shall also be entitled to the same privileges and benefits as other parts of said city.

SEC. 4. That if said city limits are extended as set out in this act, there shall be levied in the territory so annexed to said city the same tax for all purposes that is collected in the old limits of said city, and that said tax levy shall apply from the date of annexation of said territory.

SEC. 5. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 6. That this act shall be in full force and effect from and after its ratification.

Ratified this the 25th day of March, A.D., 1931.

CHAPTER 113

AN ACT TO PROVIDE FOR THE PAYMENT OF MUNICIPAL STREET ASSESSMENTS IN INSTALLMENTS IN THE TOWN OF SCOTLAND NECK.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Commissioners of the Town of Scotland Neck be, and they are hereby authorized to readjust any and all assessments for street improvements, heretofore made in said town, or any balance which may be due thereon by any property owner, by dividing the total amount due thereon, with interest, into ten equal installments, the first one of said installments to become due and payable October first, one thousand nine hundred and thirty-one, and one installment to become due each year thereafter on the first day of October for nine successive years; and upon any such readjustment the time for the payment of said assessments shall be extended accordingly.

SEC. 2. Such installments shall bear interest at the rate of six per cent per annum from the date of any such readjustment,

Ballots.
Will of voters
to determine.

Taxes levied
in new
territory.

Conflicting laws
repealed.

Street
assessments in
Scotland Neck
to be readjusted
to be payable
in installments.

When payable.

Interest to
be added.

and in event of the failure of any property owner to pay any installment when the same shall become due and payable, then and in that event all of the installments remaining unpaid shall at once become due and payable and the property on which the original assessment was made shall be sold by the municipality under the same rules, regulations, rights of redemption and savings as are now prescribed by law for the sale of land for unpaid taxes. The lien or assessment originally assessed against said property shall continue and remain in force as security for the payment of the installments, herein provided for, until said installments, with interest, have been fully paid.

Acceleration clause.

Sale of land for non-payment.

SEC. 3. No statute of limitations shall bar the right of said municipality to enforce any remedy provided by law, for the collection of said assessments, or any one of them, if not paid when due, save from and after ten years from any default in the payment of such installment as above provided.

Ten-year statute to apply.

SEC. 4. All laws and clauses, to the extent that they are inconsistent with this act, are repealed.

Conflicting laws repealed.

SEC. 5. This act shall be in force from and after its ratification.

Ratified this the 25th day of March, A.D., 1931.

CHAPTER 114

AN ACT TO AUTHORIZE A PROSECUTING ATTORNEY IN THE RECORDER'S COURTS OF AURORA AND BELHAVEN IN CERTAIN CASES.

The General Assembly of North Carolina do enact:

SECTION 1. That the Recorders for the Districts of Aurora and Belhaven, respectively, shall have the power and authority in important criminal cases to appoint some disinterested attorney to prosecute such cases in their respective courts, in which the public interest is involved, and in each case where the verdict is guilty or the defendant is bound over to the Superior Court, he shall include in the bill of costs a prosecution fee of five dollars against each defendant but not to exceed ten dollars in any case if there are two or more defendants.

Employment of prosecuting attorney in Recorder's Courts of Aurora and Belhaven.

Fee of \$5 to be taxed in costs.

SEC. 2. When the punishment imposed shall be a sentence to the common jail of Beaufort County or to the State Penitentiary, then one-half the above fees shall be paid by Beaufort County, but in all cases where the punishment is by imposing a fine the prosecution fee shall be taxed in the bill of costs and paid by the defendant or defendants.

Except in cases of sentences.

SEC. 3. That all laws and clauses of laws in conflict with this act are hereby repealed.

Conflicting laws repealed.

Effective July 1, 1931, if approved by Beaufort County Commissioners.

SEC. 4. This act shall be in full force and effect from and after July first, one thousand nine hundred thirty-one, if approved by resolution of the Board of County Commissioners of Beaufort County.

Ratified this the 27th day of March, A.D., 1931.

CHAPTER 115

AN ACT TO AMEND CHAPTER ONE HUNDRED TWENTY OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED TWENTY-THREE RELATING TO THE CHARTER OF THE CITY OF ASHEVILLE.

The General Assembly of North Carolina do enact:

Ch. 120, Private Laws 1923, amended, relating to charter of Asheville.

SECTION 1. That the word "ten" in line five of section two hundred fifty-seven of chapter one hundred twenty of the Private Laws of one thousand nine hundred twenty-three be stricken out and the word "five" be inserted in lieu thereof.

SEC. 2. That this act shall be in force and effect from and after its ratification.

Ratified this the 27th day of March, A.D., 1931.

CHAPTER 116

AN ACT TO ALLOW THE COMMISSIONERS OF THE TOWN OF AYDEN TO AID IN THE ESTABLISHMENT OF A NEW BANK FOR THE PURPOSE OF TAKING OVER THE FIRST NATIONAL BANK OF AYDEN WHICH WAS RECENTLY CLOSED.

Preamble: Closing of First National Bank of Ayden, affecting public funds of Town.

Whereas, the First National Bank of Ayden was closed on the tenth day of December, one thousand nine hundred and thirty, and has not reopened; and

Whereas, the town of Ayden had on deposit in said First National Bank thirty-six thousand dollars (\$36,000.00), of which amount thirty-three thousand dollars (\$33,000.00) was held as a sinking fund; and

Negotiations for opening new bank.

Whereas, the Comptroller of the Currency will permit the establishment of a new bank upon a paid-in capital of thirty thousand dollars (\$30,000.00) and when said new bank is organized and said capital paid in the Comptroller of the Currency has agreed that said new bank may take over all of the assets, properties and deposits of the First National Bank of Ayden; and

Desirability of Town aiding in establishment of new bank.

Whereas, it is evident that unless the officials of the town of Ayden are permitted to take new stock in the name of the town of Ayden in said proposed new bank and to agree to let the remainder of said funds remain in said bank for a period not to exceed four years, that the said bank could not be organ-

ized and the town of Ayden would thereby lose a considerable amount of its deposits in said defunct First National Bank; Now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That the board of commissioners of the town of Ayden be and they are hereby fully authorized and empowered to take stock in the name of the town of Ayden in the proposed new bank not to exceed twenty-five per cent of its deposits in the defunct First National Bank of Ayden and to pay for said stock out of the funds that are on deposit in said First National Bank of Ayden in the name of the town of Ayden or its treasurer.

Town authorized to take stock in new bank.

Limit of investment.

SEC. 2. That the board of commissioners of the town of Ayden be and they are hereby fully authorized and empowered to make and enter into a contract with the officials of the new bank organized for the purpose of taking over the defunct First National Bank of Ayden to freeze or not demand the public funds now on deposit in said First National Bank of Ayden for a like period of time and under the same conditions that other depositors of said bank may agree to; it being the intent and purpose of this act to permit, authorize and empower the board of commissioners of the town of Ayden to take stock in said proposed new bank and to pay for the same out of the funds now on deposit in the name of the town of Ayden in said First National Bank and to permit, authorize and empower the board of commissioners of the town of Ayden to permit the remainder of said funds to remain in said bank for a like period of time and under the same conditions that the other depositors in said defunct First National Bank may agree to.

May freeze deposits in defunct bank.

Stock to be paid for by funds on deposit in closed bank.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Conflicting laws repealed.

SEC. 4. That this act shall be in full force and effect from and after its ratification.

Ratified this the 27th day of March, A.D., 1931.

CHAPTER 117

AN ACT TO REPEAL CHAPTER EIGHTEEN, PRIVATE LAWS NORTH CAROLINA, SESSION ONE THOUSAND NINE HUNDRED AND TWENTY-FIVE, RELATIVE TO THE APPOINTMENT AND DUTIES OF COTTON WEIGHER FOR THE TOWN OF DUNN IN HARNETT COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter eighteen, Private Laws of North Carolina, session one thousand nine hundred and twenty-five, same being an act to amend chapter twenty-seven, Private Laws

Ch. 18, Private Laws 1925, repealed, relative to cotton weigher in Dunn.

of North Carolina, session nineteen hundred and nineteen, be, and the same is hereby repealed.

SEC. 2. This act shall be in force from and after its ratification.

Ratified this the 27th day of March, A.D., 1931.

CHAPTER 118

AN ACT TO INCORPORATE BOONE CAVE PARK IN BOONE TOWNSHIP, DAVIDSON COUNTY.

The General Assembly of North Carolina do enact:

Boone Cave Park,
Davidson
County,
incorporated.

SECTION 1. That Boone Cave Park, Boone Township, Davidson County, is hereby incorporated and shall have all the rights and privileges of an educational corporate entity, and the said Boone Cave Park is hereby set aside as a permanent game refuge. The boundaries of said Boone Cave Park shall be noted by the stones set up by the Boone Trail Association, Incorporated, and by the Yadkin River.

Boundaries.

Certain
crimes
punished.

SEC. 2. That any person wilfully destroying any property of said Boone Cave Park or found drinking, gambling, carousing or committing any other acts of immorality within the territory thereof, shall be guilty of a misdemeanor and upon conviction shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

Conflicting laws
repealed.

SEC. 2½. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 3. That this act shall be in full force and effect from and after its ratification.

Ratified this the 30th day of March, A.D., 1931.

CHAPTER 119

AN ACT TO AMEND CHAPTER EIGHTY-SIX, OF THE PUBLIC LAWS OF ONE THOUSAND EIGHT HUNDRED AND EIGHTY-SEVEN, RELATING TO THE DURHAM PUBLIC SCHOOL DISTRICT.

The General Assembly of North Carolina do enact:

Ch. 86, Public
Laws 1887,
amended.

SECTION 1. That there be inserted after section nine and before section ten of chapter eighty-six of the Public Laws of one thousand eight hundred and eighty-seven, the following:

Application of
funds received
from County
by Durham Public
School District.

“SECTION 9a. That all funds received by the Durham Public School District from the County of Durham for school purposes, shall be expended by the said School Committee of said district for current expenses, capital outlay, or debt service, as they may determine: *Provided*, That the provisions of this act

shall not conflict with any State-wide School Law or act passed by the one thousand nine hundred and thirty-one General Assembly which may apply to the County of Durham or the municipalities located therein.”

State-wide laws preserved.

SEC. 2. That all laws and clauses of laws in conflict with this act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this act shall be in full force and effect from and after its ratification.

Ratified this the 30th day of March, A.D., 1931.

CHAPTER 120

AN ACT TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF WALLACE IN DUPLIN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That all lands included in the following boundaries be and the same shall hereafter be included within the corporate limits of the town of Wallace in Duplin County:

Corporate limits of Wallace extended.

Beginning at a point where the western margin of the Teachey's Road intersects the center line of the Chinquapin Road, said point being S. 11 deg. 30 min. West 57 feet more or less from a Corporate Boundary Monument set in the West edge of said Teachey's Road and running thence about N. 53 deg. 45 min. East about 385 feet to a point opposite the western margin of a cross street in M. J. Cavanaugh's Addition.

New boundaries. Certain lots included.

Thence with the Western edge of this cross street and beyond and with the common line of lots 16 and 17 and of lots 10 and 11 of the Cora Boney Sub-Division and beyond to the center of Bray Street all about S. 11 deg. 30 min. West about 625 feet.

Thence with the center of Bray Street about N. 87 deg. 35 min. West 156 feet to a monument in the Corporate line.

It is the intent of the above description to include within the Corporate Limits the lots 1 to 10 inclusive and 13 to 16 inclusive of the Cora Boney Sub-Division and lots 1 to 7 inclusive and the filling station lot as shown on the M. J. Cavanaugh Sub-Division.

SEC. 2. All laws and clauses of laws applicable to the town of Wallace as contained within the corporate boundaries heretofore existing, shall be applicable to the town of Wallace with the enlarged boundaries set forth in section one, hereof, as fully as if said enlarged boundaries had been set forth in the original Charter of the town of Wallace, and each amendment and each re-enactment of said Charter.

Laws applicable to old limits made to apply to new territory.

Conflicting laws repealed.

Effective July 1, 1931. .

SEC. 3. All laws and clauses of laws in conflict with this act, be and the same are hereby repealed.

SEC. 4. This act shall be in full force and effect from and after July first, one thousand nine hundred thirty-one.

Ratified this the 30th day of March, A.D., 1931.

CHAPTER 121

AN ACT TO INCORPORATE THE CITY OF ASHEVILLE, TO DEFINE ITS CORPORATE LIMITS, TO PROVIDE FOR ITS GOVERNMENT AND FOR OTHER PURPOSES.

The General Assembly of North Carolina do enact:

ARTICLE I.

Corporate Organization.

City of Asheville incorporated.

SECTION 1. The inhabitants of the City of Asheville shall continue to be as they have heretofore been, a body politic and corporate under the name of "City of Asheville" and under that name shall have perpetual succession, may sue and be sued, may contract and be contracted with; may acquire, hold, manage, control, lease and dispose of property, real and personal and may have a common seal and alter and renew the same at pleasure.

Property rights.

SEC. 2. All property, real and personal or interests therein, of whatsoever character and description and wheresoever situate, now owned, held, controlled or used by the City of Asheville for any purpose or held, controlled or used for its benefit and any and all judgments, liens, right of liens and causes of action of any and all kinds in favor of said City of Asheville shall upon the adoption of this act be and remain vested in the City of Asheville in the same manner and to the same extent as heretofore.

Powers as conferred by general law.

SEC. 3. The City of Asheville shall have and possess all of the powers given and conferred by this act, as well as all of the powers given to municipal corporations by general law in this State and all such other powers, rights and privileges as may be useful and/or necessary to carry on the Government of the City of Asheville, in the manner set out in this act.

Corporate boundaries.

SEC. 4. The boundaries of the City of Asheville shall be those existing for the City of Asheville at the time of the passage of this act.

Corporate powers vested in Mayor, City Council and City Manager.

SEC. 5. The corporate powers of the City of Asheville shall be vested in and exercised by a Mayor, City Council and City Manager, as hereinafter provided, subject to such limitations as may be hereinafter imposed and the executive and administrative powers, authority and duties are distributed as hereinafter set out.

ARTICLE II.

The Council.

SEC. 6. Except as otherwise herein provided in this charter all powers of the city shall be vested in a council of nine members nominated and elected from the city at large in the manner hereinafter provided. The members of the council and all other officers elected under the provisions of this charter shall at the time of their election be qualified electors of the City of Asheville. The term of members of the council shall be for two years and shall begin on the third Monday of May next following their election. A member of the council ceasing to possess any of the qualifications specified in this section shall immediately forfeit his office.

City Council.

Nine members;
election by
City at large.

Term of office.

SEC. 7. Vacancies in the council shall be filled by the council for the remainder of the unexpired terms.

Vacancies.

SEC. 8. At ten o'clock A. M. on the third Monday of May, following a regular municipal election, the council shall meet at the usual place for holding its meetings and the newly elected members shall assume the duties of office. Before entering upon the duties of their office the newly elected councilmen shall severally make oath before the retiring mayor, city clerk or some person authorized by law to administer oaths to perform faithfully the duties of their respective offices. Thereafter the council shall meet at such times as may be prescribed by ordinance or resolution, but not less frequently than once each week. Special meetings shall be called by the clerk upon written request of the mayor or of the city manager or of three members of the council. Not less than twelve hours' notice of special meetings shall be given to each member of the council at such address, within the corporate limits of the City of Asheville, as he shall designate and such notice shall be published at least once prior to the meeting in a daily newspaper of the city. The notice must state the subject or subjects to be considered at the meeting and no other subject or subjects may be there considered.

Time of
organization
meeting of first
Council.

Oath of office.

Meetings.

Notice of
meetings.

SEC. 9. All meetings of the council shall be open to the public and the council by rules must provide for giving citizens reasonable opportunity to be heard at its meetings in regard to matters there under consideration.

Meetings to
be public.

SEC. 10. At its first meeting following a regular municipal election the council shall choose from its number a chairman who shall have the title of mayor, and also a vice-chairman to act as mayor pro tem in the absence of the mayor. The mayor, in addition to the powers conferred on him by this charter, shall have the rights, privileges and immunities of a member of the council; he shall preside at meetings of the council; be recognized as head of the City government for ceremonial purposes;

Selection of
Mayor-
Chairman.Duties and
powers of Mayor.

by the courts for service of civil process and by the government for purposes of military law.

SEC. 11. The council shall choose a city clerk and such other officers and employees of its own body as it deems necessary all of whom shall serve during the pleasure of the council. The clerk shall keep records of the proceedings of the council and all final votes of the council involving appropriations, expenditures of money or the enactment of ordinances shall be by yeas and nays and entered on the records. The council shall determine its own rules and order of business.

SEC. 12. A majority of the members elected to the council shall constitute a quorum but a less number may adjourn and compel the attendance of absent members. The affirmative vote of a majority of the members shall be necessary to adopt any ordinance, resolution or vote, except that a vote to adjourn or regarding the attendance of absent members may be adopted by a majority of the members present. No member shall be disqualified from voting except on matters involving his own official conduct or financial interests.

SEC. 13. The council has, and shall exercise all Legislative powers, functions and duties conferred upon the city or its officers.

SEC. 14. Ordinances and resolutions shall be introduced in the council only in written or printed form. All ordinances, except those relating to appropriations and/or budgets or codifying existing ordinances shall be confined to one subject and the subject shall be expressed in the title. Ordinances relating to appropriations shall be confined to that subject. Ordinances must be read on three separate days, but this requirement may be dispensed with by a vote of not less than two-thirds of the members of the council. The final reading of an ordinance shall be in full unless a copy thereof shall have been furnished each member of the council present prior to the reading.

SEC. 15. Ordinances and resolutions shall take effect at the time indicated therein. Such time shall be not less than fifteen days from date of final passage except in the case of ordinances and resolutions relating to budgets and appropriations and/or tax levies; those providing for the investigation of the city affairs, requesting information from administrative officers and/or directing administrative action and emergency measures as herein after defined.

SEC. 16. An emergency measure is one to provide for the immediate preservation of the peace, property, health and/or safety of the city and the emergency claimed must be set out and defined in the preamble of the measure. An emergency measure shall only be adopted by a two-thirds vote of the council and no measure making or amending a grant, renewal or extension

Selection of
City Clerk
and other
employees.

Duties of Clerk.

Quorum of
Council.

Majority vote.

Disqualification
for voting.

Other powers
of Council.

Introduction
of ordinances
and resolutions.

Appropriations.

Time of taking
effect of
ordinances and
resolutions.

Emergency
measures.

Two-thirds vote
required.

of a franchise or other special privilege may be passed as an emergency measure.

SEC. 17. Upon final passage, ordinances and resolutions shall be authenticated by the signature of the mayor and clerk and shall be recorded in a book kept for that purpose. Authentication and registration of an ordinance or resolution as herein provided shall be essential to its validity.

SEC. 18. No ordinance or resolution of section thereof shall be revised or amended except by a new ordinance or resolution containing the entire ordinance, resolution or section as revised or amended and repealing the original ordinance, resolution or section.

ARTICLE III.

Administrative Service.

SEC. 19. The Council shall appoint a City Manager, who shall be the chief executive officer of the city. The Manager shall be chosen by the Council solely on the basis of his executive and administrative qualifications and need not, when appointed, be a resident of the City or State. The Manager shall be appointed for an indefinite term and shall be removable at the pleasure of the Council. No member of the Council shall, during the time for which elected, be chosen City Manager. Before the Manager may be removed by the Council he shall, if he so demands, be given a written statement of the reasons alleged for his removal and given the right to be heard thereon at a public meeting of the Council prior to the final vote on the question of his removal. Pending and during such hearing the Council may suspend the Manager from office. The action of the Council in suspending or removing the Manager shall be final, it being the intention of this charter to vest all authority and fix all responsibility for such suspension or removal in the Council. In case of the absence or disability of the Manager, the Council may designate some qualified person, not a member of the Council, to perform the duties of the office during such absence or disability.

SEC. 20. The Manager shall be responsible to the Council for the proper administration of all affairs of the city placed in his charge and to that end, subject to the provisions of Article X hereof, he shall have the power to appoint and remove all officers and employees in the administrative service of the city. The Manager may authorize the head of a department or office responsible to him to appoint and remove subordinates in such department or office. All appointments made by or under the authority of the Manager shall be on the basis of executive and administrative ability and of the training and experience of such appointees in the work which they are to perform. All such

Authentication
of ordinances
and resolutions.

Amendments
to ordinances.

Administrative
Service.
Appointment of
City Manager.

Qualifications.

Term of office.

Removal.

Hearing on.

Suspension
pending
hearing.

Interim
appointment of
manager pro-tem.

Power of
appointment
and removal of
employees.

Qualifications
for appointment
to offices.

Indefinite term.

appointments shall be without definite term unless for temporary service not to exceed sixty days.

Removal of employees.

No appeal.

Report to Council.

SEC. 21. Officers and employees appointed by the City Manager or under his authorization may be removed by him or by the officer by whom appointed at any time. The decision of the Manager or other officer in any such case shall be final and there shall be no appeal therefrom to any other officer, body or court whatsoever. The Manager shall report each appointment and removal in the administrative service of the City to the Council at its first meeting following such appointment or removal except appointments to and removals from office or positions of those classes which the Council may by resolution provide need not be so reported.

Power of appointment and removal limited to City Manager.

SEC. 22. Neither the Council nor any of its committees or members shall direct or request the appointment of any person to or his removal from office by the City Manager or by any head of a department or officer authorized by such Manager to make such appointment nor shall the Council or any of its committees or members take any part in the appointment or removal of officers and employees in the administrative service of the City, other than the City Manager.

Only City Manager may give orders to employees.

SEC. 23. Except for the purpose of inquiry, the Council and its members shall deal with that portion of the administrative service for which the Manager is responsible through the Manager and neither the Council nor any member thereof shall give an order to any city employee in the administrative service of the City other than the City Manager relating to any matter in the line of his employment. Any violation of the provisions of this section by a member of the Council shall be a misdemeanor, conviction of which shall immediately forfeit the office of the member so convicted.

Violation made misdemeanor.

Certain powers of City Manager enumerated.

SEC. 24. It shall be the duty of the City Manager to act as chief conservator of the peace within the City; to supervise the administration of the affairs of the City; to see that the ordinances of the City and the laws of the State are enforced therein; to make such recommendations to the Council concerning the affairs of the City as may seem to him desirable; to keep the Council advised of the financial condition and future needs of the City; to prepare and submit to the Council budget estimates; to prepare and submit to the Council such reports as may be required by that body and to perform such other duties as may be prescribed by this charter or required of him by ordinance or resolution of the Council.

City Manager, heads of departments and other officers having seats in Council.

SEC. 25. The City Manager, the heads of all departments and such other officers of the City as may be designated by vote of the Council shall be entitled to seats in the Council but shall have no vote therein. The Manager shall have the right to take part in the discussion of all matters coming before the Council

and the heads of departments and any other officers having seats in the Council shall be entitled to take part in all discussions of the Council relating to their respective departments and offices.

SEC. 26. There shall be a Department of Law, a Department of Finance, a Department of Public Works, a Department of Public Welfare, a Department of Public Safety, a Department of Motor Transport, a Department of Civil Service, and such other departments as may be established by ordinance. The Council may, by ordinance, change or abolish any department or office established by ordinance and/or the Department of Motor Transport, and may prescribe, distribute or discontinue the functions and duties of any department and/or office it may change or abolish. Additional functions and duties may be assigned by ordinance to departments and offices established by this charter but, except as above provided, no function or duty assigned by this charter to a special department or office shall be discontinued or assigned to any other department or office of the City by ordinance. No department or office shall be established, changed, or discontinued until the recommendation of the City Manager thereon shall have been heard by the Council. Nothing in this charter shall prevent the Council by a two-thirds vote of its members from authorizing and directing the execution of a contract with Buncombe County for the joint performance of similar administrative duties or functions of said County and City by a consolidation of the agencies thereof by which such functions are at the time of making such agreement being performed and their subsequent joint operation as one agency at joint expense or for the performance of said administrative functions for the benefit of both said City and Buncombe County by one of such agencies then existing at joint expense, whenever in the judgment of the Council such action is deemed for the best interests of the City of Asheville.

Administrative departments named.

Functions and duties.

Contract with Buncombe County as to joint functions.

SEC. 27. The head of each department of the administrative branch of the City Government shall be known as the Director thereof. He shall be appointed by the City Manager and shall have supervision and control of his department and all of the activities thereof. The Manager may assign to one person the powers and duties of Director of more than one department and/or office and may himself assume and perform the powers and duties of Director of one or more departments or offices and/or perform himself or delegate to another any one or more functions or duties assigned to a department or office. Each Director shall have power to prescribe rules and regulations not inconsistent with this charter and/or ordinances passed in pursuance thereof for the conduct of the officers and employees of the department of which he is in charge for the distribution

Department directors.

Delegation of powers by City Manager.

Powers of Directors.

Department of
Law excepted.

Investigation
into municipal
affairs.

Rules and
regulations
regarding
handling of
public funds.

Audit and
examination of
books.

Publication
of audits.

Limitation on
power to
contract
indebtedness.

Department of
Law.
Selection of
corporation
counsel.

and transaction of its business and for the custody of the books, records, papers and property under its control. None of the provisions of this section shall apply to the Department of Law.

SEC. 28. The Council or the Manager or any person or committee authorized by either of them, shall have power to inquire into the conduct of any department, office or officer of the City and to make investigations as to municipal affairs and for such purpose or purposes, may provide for an examination or audit of the accounts of any department, office or officer of the City; may subpoena witnesses, administer oaths and compel the production of books, papers and other evidencè.

SEC. 29. The Council shall, by ordinance or resolution, make such rules and regulations as it shall deem wise, governing the receipt and handling of moneys payable to the City of Asheville from any and all sources and the deposit of such moneys in designated depositories, *Provided* that all such moneys shall be collected and received by an officer or employee of the Department of Finance authorized to receive the same or paid to such officer or employee by such other officer or employee of the administrative services of the City as shall collect and receive the same. Such ordinances or resolution shall also provide for such audits and examinations of the books and accounts of all departments and of all officers and employees of the administrative service of the City who receive or may receive or disburse money as to the Council shall deem wise. Such audits and examinations may be made by a regular employee of the administrative service of the City or otherwise as the Council may direct and the Council may, by ordinance or resolution, direct such publication of the results of such examinations and audits as it shall deem best. Except as in this charter provided, sections two thousand six hundred eighty-six and two thousand six hundred and eighty-seven of the Consolidated Statutes shall not apply to the City of Asheville.

SEC. 30. Except as provided in the Municipal Finance Act or other general law or as provided in this act or as provided in Public, Public-Local or Private Acts passed at that session of the Legislature at which this act is adopted the Council shall not have power to create or contract any indebtedness in any amount not covered by an appropriation ordinance or resolution for the current fiscal year, passed or adopted as now or hereafter provided by law.

ARTICLE IV.

Department of Law.

SEC. 31. The head of the Department of Law shall be known as the corporation counsel of the city. He shall be an attorney-at-law who shall have practiced in the State of North Carolina

for at least five years. He shall be chosen by the council and shall hold office at the pleasure of the council. He shall be the chief legal advisor of and attorney for the city and all departments and officers thereof in matters relating to their official powers and duties. It shall be his duty, either personally or by such professional assistants as the council may designate, to perform all services incident to the department of law; to attend all meetings of the council; to give advice in writing when requested by the council or by the city manager, to the council, the city manager or the director of any department; to prosecute or defend, as the case may be, all suits or cases to which the city is a party; to prepare or approve all contracts, bonds and other instruments in writing in which the city is concerned and to endorse on each his approval of the same as to form and to perform such other duties of a legal nature as the council may by ordinance require. He shall also perform any and all duties imposed by law upon the chief legal officer of a municipal corporation. The council may choose an assistant corporation counsel and may appoint or authorize the corporation counsel to appoint such professional and non-professional assistants in his department as it shall deem wise. Any assistant corporation counsel shall hold office at the pleasure of the council and all other employees of that department shall hold office at the pleasure of the council or of the officer by whom appointed. The council shall prescribe the duties of any assistant corporation counsel appointed by it; may require such corporation counsel and/or such assistant corporation counsel to devote all of his time to the performance of the duties of his office and may fix the compensation of the corporation counsel, the assistant corporation counsel and all employees of the department of law as it deems best. The council shall fix the salary of the solicitor for the police court to be elected as hereinafter provided and may designate him assistant corporation counsel, assign to him duties in the legal department and require him to give his full time to the performance of his duties as solicitor and other duties assigned to him as aforesaid.

Duties.Selection of
assistant.**Duties.**Salary of
solicitor of
police court.**Duties.**

ARTICLE V.

Department of Finance.

SEC. 32. The director of the department of Finance shall have charge of the administration of the financial affairs of the city, including the keeping and supervision of all accounts, the custody and disbursement of the city funds and moneys; the control over expenditures; the collection of license fees, water rents and any and all revenue of every kind and nature received or proper to be received by the City of Asheville from any source, subject to the provisions of any statute relating to collection of ad valorem taxes heretofore or hereafter adopted; the

Department of
Finance.
Director
and his duties.Collection
of revenue.

purchase, storage and distribution of supplies needed by the city; the supervision and control of and over the water system and supply. Said director and such assistants as he may appoint with the consent and approval of the city manager shall in particular perform the following duties:

Assistants.
Other duties.

Monthly
statements.

(a) Prepare for submission to the council and submit not later than the tenth day of each month a summary statement of receipts and expenses for the preceding month, detailed as to appropriations, offices and departments in such manner as to show the exact financial condition of the city and of each department and office thereof with respect to its current operations for the fiscal year as of the last day of the previous month.

Supervision of
accounts and
daily reports.

(b) Keep and supervise the accounts for all departments and offices of the city and require daily reports by each department and office showing the receipt of all moneys and the disposition thereof.

To act as
City Treasurer.

(c) Act as treasurer of the city; require that all moneys received by any officer or employee of the city for or in connection with the business of the city shall be paid promptly into the treasury in accordance with the ordinances and/or resolutions of the council, and shall be deposited with such banking depository as the council may by resolution designate; require that any and all depository bonds required by law or by ordinance or resolution of the council to secure the deposit of funds of the city be given and maintained in force in the amount and character required by law or by such ordinance or resolution; fix in writing with the approval of the city manager the rate of interest to be paid on such deposits and collect the same. All such depository bonds shall be approved as to form by the corporation counsel and shall also be approved by the Insurance Commissioner of North Carolina. Such bond or bonds shall in no event be given or accepted in an amount less than the average daily bank balance of the city in the depository by and/or for whom such bond is given. It shall be the duty of the director of the department of finance at any time the amount of any such depository bond or bonds shall be less than the amount provided for in this section or by law or ordinance or at any time when he deems that the public funds of the city on deposit as aforesaid are insufficiently protected by depository bonds, to report that fact in writing to the council and the city manager and thereafter the council or the city manager shall require the giving of such additional bond or bonds as to it or him shall seem proper for the protection of the funds of the city in any depository or depositories.

Control
over deposits.

Depository
bonds.

Amount
of bonds.

Additional
bonds.

To act as
purchasing
agent.

(d) Make all purchases of supplies, materials and equipment for the city in the manner provided by law and/or by ordinance of the council not inconsistent therewith; have charge

of such general store rooms and warehouses of the city as the council may, by ordinance, provide; sell all real and personal property of the city not needed for public use or unsuitable for public use pursuant to the provisions of any and all statutes now or hereafter enacted and under such rules and regulations not inconsistent therewith as the council by ordinance or resolution provides. No such sale shall be made, however, of real estate and no such sale shall be made of personal property having a replacement cost in excess of one hundred dollars unless and until such sale has been directed to be made by the council by proper resolution and no purchase of property having a cost in excess of five hundred dollars nor sale of property having a replacement cost in excess of five hundred dollars shall be made except after competitive bidding thereon and after notice of the time and place when such bids will be received has been published at last three times on different days in one or both of the city newspapers having the largest or second largest circulation among the residents of the City and in all copies of the edition thereof having the largest circulation among such residents.

(e) Have charge of the city water system; collect for the use of water or any other public utility service operated by the city as such rates as the council by ordinance determines as sufficient; supervise and maintain the watersheds, pipe lines, reservoirs, water distributing lines and all other property of the city forming a part of its water system and/or used in connection therewith and keep the same in good condition and repaired and carry out and enforce all regulations relating to the water service and/or any other public utility service operated by the city made and established by the council by ordinance or resolution and/or those rules and regulations made by the city manager not inconsistent therewith.

(f) As soon as practicable after the close of each quarter of the fiscal year require to be made a quarterly audit and at the close of the fiscal year an annual audit of all accounts of all City officers by certified public accountants selected by the council who have no personal interest, direct or indirect, in the financial affairs of the city or of any of its officers. Such examination shall be made in accordance with any provisions of general law relating thereto, and the results of such examination shall be published at least once in the daily newspaper published in the City of Asheville having the largest or second largest circulation therein and in all copies of the edition of such paper having the largest circulation therein. Such results of such audit shall be published in sufficient detail as to give to the reader thereof an intelligent idea of the financial condition of the city and its several departments. Upon the death, resignation or removal of any director or officer of the city, the director of the Department of Finance shall cause an audit of his ac-

Sale of real and personal property.

Limitations on sale.

Advertisement for bids.

Control over water system and other public utilities.

Quarterly audit.

Annual audit.

Publication of audits.

Special audits.

counts to be made and report the results of such audit to the council, and, if, as a result of any such audit such director or officer be found indebted to the city, the director of the Department of Finance shall give immediate notice thereof to the council and with the head of the legal department of the city proceed forthwith to collect such indebtedness.

ARTICLE VI.

Department of Public Works.

SEC. 33. The director of the Department of Public Works shall have charge of the collection of garbage within the city, the operation, repair and maintenance of the incinerator, the cleaning, lighting and maintenance of the public streets and alleys of the city; the cleaning and maintenance of service and storm sewers of the city within and without the city, the maintenance, operation and repair of the City Hall; the management and control of the engineering service of the city; the making of all sanitary inspections and performance of all public duties in connection therewith; the management, maintenance, operation and control of the recreation park, the municipal golf course, the football stadium, the baseball park, known as McCormick Field, and any and all public parks and play-grounds and such other duties, not inconsistent with the provisions of this charter, as the council and/or city manager shall from time to time prescribe.

SEC. 34. It shall be the duty of the director of the department of public works to require the engineering service to perform all duties of an engineering nature, necessary and proper to be rendered in connection with the administrative service of the city on the request of the city manager and such other service of an engineering nature as may be required by the council.

ARTICLE VII.

Department of Public Welfare.

SEC. 35. The director of the Department of Public Welfare shall be the health officer of the city and shall have charge and control of the bureau of health, the municipal clinic, the pest house, the city laboratories, the bureau of veterinary, the bureau of inspections and all public comfort stations.

SEC. 36. It shall be the duty of the director of public welfare to enforce all laws and ordinances relating to the preservation of public health and prosecute violations thereof and to make any and all reports required by law or by the council of the city manager as to the conditions of public health and the prevalence of disease, in the city, and such recommendations as he shall deem wise for the improvement of public health.

Department
of Public
Works.
Director and
his duties.

Engineering
service.

Department of
Public
Welfare.

Director and
health duties.

Enforcement
of health laws.

ARTICLE VIII.

Department of Public Safety.

SEC. 37. The Director of the Department of Public Safety shall have charge of the police service of the City, the fire service of the City, the city market house, the city jail, the regulation of traffic, the bureau of smoke abatement and the enforcement of all laws and ordinances in relation thereto and the exercise of all powers and the performance of all duties possessed by the City of Asheville in connection with the Lindley Detention Home and such other powers and duties not inconsistent with this charter as the Council and/or City Manager may from time to time confer or impose.

Department of
Public Safety.Director and
his duties.

SEC. 38. Sections one hundred seventy-three, one hundred seventy-four, one hundred seventy-seven and one hundred seventy-eight of chapter sixteen of the Private Laws of one thousand nine hundred and twenty-three and any and all acts amendatory of said sections or any of them and/or relating to the same subject matter, insofar as applicable and except as inconsistent with the provisions of this act shall be and remain in full force and effect and are hereby re-enacted except that wherever the words "Board of Commissioners" occur in said sections, they shall be changed to read "Council" and wherever the words "Secretary-Treasurer" occur, they shall be changed to read "Treasurer".

General laws
applicable.

ARTICLE IX.

Department of Motor Transport.

SEC. 39. The Director of the Department of Motor Transport shall have charge of the city garage and of all automobiles, trucks and other motor equipment and accessories of every kind and nature owned and/or operated by the City of Asheville, except the motor equipment of the fire department. It shall be the duty of the Director of the Department of Motor Transport on the request of the City Manager or of the director of any other department to assign to such manager or to such department or to such officer, bureau or office of any department as shall require the same suitable motor equipment for use in performance of duties of any such officer, bureau or office. It shall be the duty of the Director of the Department of Motor Transport unless in his opinion it shall be unnecessary or unless the City Manager otherwise directs to furnish a chauffeur or other person to have charge of the operation of any automobile, truck or other motor equipment so furnished. It shall further be the duty of the Director of the Department of Motor Transport to have made at regular intervals inspections of the condition of all motor vehicles and equipment in his control. To provide for their repair from time to time as needed; to provide gasoline

Department of
Motor
Transport.Director and
his duties.Allocation of
necessary motor
equipment.Inspections.
Repairs.

and oil as necessary in the operation of all such motor vehicles; to keep careful records of the cost of maintenance and operation of any and all such vehicles; to make reports as to such costs of maintenance and operation and other matters pertaining to the operation of his department as may be required by the Council or the City Manager and to perform any and all other duties and exercise such other powers not inconsistent with this charter as the Council and/or the City Manager may from time to time direct.

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ARTICLE X.

Department of Civil Service.

SEC. 40. The Department of Civil Service shall be under the management and control of a director of Civil Service who shall have the powers and perform the duties specified in this charter, relative to the classified service of the city.

SEC. 41. There shall be a civil service board, consisting of the director of civil service and two other members chosen for a term of two years and until their successors are elected and qualified. The director of civil service shall be appointed by the city manager. One of the other members thereof shall be chosen by the council at its first meeting after a municipal election. The third member of said board shall be chosen by ballot by vote of the officers and employees in the classified service of the city at a meeting for that purpose called by the city manager and held within thirty days after a municipal election and after ten days' written notice to each officer and employee in the classified service of the city at the time, place and purpose of such meeting. The council shall, by ordinance not inconsistent with this section, establish the procedure for the selection of the member of the civil service board chosen by the officers and employees in the classified service thereof. The member of the civil service board chosen by the officers and employees in the classified service may be an officer or employee of the city. In the event of a vacancy on said board such vacancy shall be filled in the manner provided in this article for the selection of the member a successor to whom is to be chosen. In the event the member of the civil service board chosen by the officers and employees of the classified service shall demand a hearing before such board on the question of his lay-off, suspension or removal a substitute to take his place on the civil service board shall be chosen by the officers and employees of the classified service in accordance with the provisions of this charter and the rules established by the council. Such substitute shall be chosen before the hearing last above referred to is held and in the event at or after said hearing the member of the civil service board demanding such hearing is removed or suspended or laid off the substitute chosen as aforesaid shall become a per-

Reports
as to cost.

Department of
Civil Service.
Director.

Classified
service.

Creation of
civil service
board.

Term of office.

Ex-officio
members.

Vacancies.

Hearing
on removal.

manent member of such board to serve for the unexpired term of the member so laid off, suspended or removed.

SEC. 42. The classified service of the city shall include the head or chief of the fire service, the head or chief of the police service and all officers and employees of said services or either of them. No other employees of the city shall be subject to the provisions of this article, but the council may, from time to time, by ordinance add other classes of employees of the city to the classified service, such classification to be based either on type of service rendered or department in which employed or both. Upon the adoption of any such ordinance all employees so placed in the classified service shall be subject to the provisions of this article. In no event shall the following officers and/or employees of the City be placed in the classified service, viz.: officers elected by the people, the City Manager, directors of departments and members of advisory boards appointed by such directors, the Secretary to the Mayor, the Secretary to the City Manager, the Secretary to any Director of a Department, the City Clerk, and/or the members of any board or commission appointed by the Council.

Civil service to embrace police and fire departments.

Other employments may be added.

Certain officers and employees exempt.

SEC. 43. The civil service board shall make and may amend rules for promoting efficiency in the classified service of the city and for the appointment, promotion, transfer, lay-off, reinstatement, suspension and removal of city officers and employees in such service, but no such rule or amendment shall become effective unless approved by a majority vote of the Council after a public hearing thereon, notice of which hearing has theretofore been given to the officers and employees in the classified service and to the public in such manner as the Council shall direct.

General powers of board.

SEC. 44. Such rules, last above mentioned, among other things, may provide:

Specific duties.

(1) For the standardization and classification of all positions and employments in the classified service of the city. Such classification into groups and subdivisions shall be based upon and graded according to duties and responsibilities and so arranged as to promote the filling of the higher grades, so far as practicable, through promotions.

Classification of employments.

Gradings.

(2) For open competitive tests to ascertain the relative fitness of all applicants for appointments in the competitive class.

Competitive tests.

(3) For public notice of the time and place of all competitive tests, at least ten days in advance thereof, by publication in the paper of the city having the largest or second largest circulation and in all copies of the issue thereof having the largest circulation in the city, and by posting a notice in a conspicuous place in the city hall.

Public notice of tests.

- Eligible lists. (4) For the creation of eligible lists upon which shall be entered the names of the successful applicants in the order of their standing in the competitive tests and without reference to the time of the test.
- Rejection of applicants. (5) For the rejection of applicants or eligibles who do not satisfy reasonable requirements as to age, sex, physical condition and moral character or who have attempted deception or fraud in connection with any test or their application therefor.
- Certification of three highest eligibles. (6) For the certification to the appointing authority, from the appropriate eligible list, for filling a vacancy in the competitive class, of the three names standing highest in such list.
- Temporary employment without tests. (7) For temporary employment without test, in the absence of an eligible list; but no such temporary employment shall continue after the establishment of a suitable eligible list nor for more than sixty days.
- Transitory employment without tests. (8) For temporary employment for transitory work without test, but such employment shall require the consent of the director of civil service in each case, and shall not continue for more than sixty days nor be renewed.
- Non-competitive tests. (9) For non-competitive tests for appointments to positions designated by the manager and approved by the civil service board and requiring peculiar and exceptional qualifications of a scientific, managerial, professional or educational character.
- Promotional tests. (10) For promotion based on competitive tests and upon records of efficiency, character, conduct and seniority.
- Transfers within same class. (11) For transfer from a position to a similar position in the same class and grade.
- Reinstatements. (12) For immediate reinstatement at the head of the eligible list of persons who, without fault or delinquency on their part, are separated from the service or reduced in rank.
- Suspensions. (13) For suspension for purpose of discipline, with or without pay, for not longer than ninety days, and for leave of absence with or without pay.
- Discharge or reduction in rank. (14) For discharge or reduction in rank or compensation after the person to be discharged or reduced has, if he so request, been presented by the person responsible for his appointment with the reasons therefor specifically stated in writing and has been given an opportunity to be publicly heard in his own defence by the civil service board. The written reasons for such discharge or reduction and any reply in writing thereto by any such officer or employee shall be filed with the department of civil service.
- Efficiency investigations and records. (15) For investigation and keeping a record of the efficiency of officers and employees in the classified service, and for re-

quiring markings and reports relative thereto from appointing authorities.

SEC. 45. There shall be kept in the department of civil service an application register in which shall be entered the names and addresses and the order and date of application of all applicants for civil service test and the office or employments which they seek. All applications shall be upon forms prescribed by the department of civil service.

SEC. 46. Tests required by the department of civil service shall be practical, shall relate to matters which fairly measure the relative fitness of applicants to discharge the duties of the position which they seek, and shall take account of character, training and experience. No question in any test shall relate to political or religious opinions, affiliations or service, and no appointment, transfer, lay-off, promotion, reduction, suspension or removal shall be affected or influenced by such opinions, affiliations or service. Notice of the time, place and scope of each test shall be given by publication and posting as specified in section forty-four of this charter, and by mail, at least ten days in advance, to each applicant upon the appropriate lists of the application register.

SEC. 47. The list of applicants eligible to appointment by reason of civil service tests, with their grades, shall be known as the register of eligibles and shall be open to public inspection. The names of such eligibles shall be arranged in their respective lists in the order of their standing on test. The name of no person shall remain on the register of eligibles for more than two years without a new application and, if the civil service rules so require, a new test.

SEC. 48. When any position in the classified service is to be filled the officer having authority to fill such vacancy shall request of the director of civil service the certification of names of eligibles for appointment to such vacancy and upon receipt of such request the director of civil service shall promptly certify to such office the names and addresses of the highest three eligibles on the list for the class or grade to which such position belongs. The appointing authority shall appoint to such position one of the persons whose names are so certified.

SEC. 49. Whenever practicable vacancies in the classified service shall be filled by promotion, and the civil service rules shall indicate the lines of promotion from each lower to higher grade wherever experience derived in the lower grade tends to qualify for the higher. Any advancement in rank shall constitute promotion. Lists from which promotions are to be made shall be created as provided by the civil service rules, and the appointment of eligibles therefrom shall be made in the same manner as original appointments. Appointments to higher positions shall, in such cases as the city manager shall request,

Application register.

Details of tests.

Certain questions barred.

Notice of tests.

Register of eligibles.

Arrangement of eligibles.

Certification of names of eligibles for appointment.

Vacancies to be filled by promotion if possible.

Promotion to higher positions.

be made after competitive tests in which persons not in the service of the city may compete as well as applicants for such positions from the lower grades of the service or from other branches thereof. In such cases appointment shall be from the highest three eligibles as in the case of other competitive tests.

Classified
list of
employees.

SEC. 50. There shall be maintained in the department of civil service a list of all persons in the classified service showing in connection with each name the position held, the salary or wages paid, the date and character of appointment and every subsequent change in status. Such list shall be known as the service register and every appointing officer or authority shall promptly transmit to the department of civil service all information requested for the establishment and maintenance of such register.

Known as
service
register.

No salaries
to be paid
without certificate
of director.

SEC. 51. The treasurer shall not pay, nor shall any officer or employee of the city issue a check for the payment of nor pay any salary or compensation to any person holding or claiming to hold, a position in the classified service unless the payroll or account of such salary or compensation shall bear the certificate of the director of civil service that the persons named therein have been appointed or employed and are performing service in accordance with the civil service provisions of this charter and the rules established thereunder, that their names appear upon the service register for the time for which such salary or compensation is claimed and that the salary or compensation is at the rate indicated on such register. If the treasurer or any such officer or employee shall wilfully or negligently violate any of the provisions of this section he and the sureties on his bond shall be liable to the city for the amount thereof and action may be brought therefor by any taxpayer for the use of the city without making previous request to the city to sue.

Violation
incurs civil
liability
for sum paid.

Investigation
of operation
of civil
service.

SEC. 52. The council, the city manager, the director of civil service, or any person designated by any of them, may make investigations concerning the facts in respect to the operation and enforcement of the civil service provisions of this charter and of the rules established thereunder, and concerning the condition of the civil service of the city or any branch thereof. Written charges of misconduct or inefficiency against any officer or employee in the classified service may be filed with the director of civil service by any person. The civil service board shall investigate any such charges, or cause them to be investigated, and report the findings of the investigation to the authority responsible for the appointment of the officer or employee against whom the charges have been made. Any person, or persons, making an investigation authorized or required by this section, shall have power to subpoena and require the attendance of witnesses.

Charges of
misconduct.

Investigation.

SEC. 53. Any officer or employee of the city appointed by the manager, or upon his authorization, may be laid off, suspended or removed from office or employment either by the manager or the officer by whom appointed. Verbal or written notice of lay-off, suspension or removal given to an officer or employee, or written notice left at or mailed to his usual place of residence, shall be sufficient to put any such lay-off, suspension, or removal into effect unless the person so notified shall, within five days after such notice, demand a written statement of the reasons therefor and the right to be heard before the civil service board. Upon such demand the officer making the lay-off, suspension or removal shall supply the person notified thereof and the civil service board with a written statement of the reasons therefor and the board shall fix a time and place for the public hearing. Following the public hearing, and such investigations as the civil service board may see fit to make, the board shall report its findings and recommendation to the city manager and the authority responsible for the lay-off, suspension or removal as specified in the notice. Thereupon the authority making the lay-off, suspension or removal shall make such disposition of the matter as, in his opinion, the good of the service may require. The decision of the manager or other appointing authority in any such case shall be final. A copy of the written statement of reasons given for any lay-off, suspension or removal and a copy of any written reply thereto by the officer or employee involved, together with a copy of the decision of the manager or other authority, shall be filed as a public record in the office of the department of civil service. No statement made in good faith by the authority making any such lay-off, suspension or removal, shall constitute defamation of character and/or libel or serve as a basis for any action or proceeding, civil or criminal in its nature, alleging defamation of character and/or libel.

SEC. 54. The council shall by ordinance establish a schedule of compensation for officers and employees in the classified service which shall provide uniform compensation for like service. Such schedule of compensation may establish a minimum and a maximum for any grade.

SEC. 55. Any applicant for any office or employment in the classified service who shall knowingly make any false statement in connection with any test shall thereby forfeit his right to be entered upon the eligible register, and in case he has been appointed to an office or employment he shall forfeit it and shall not within three years thereafter be eligible to appointment to any office or employment in the service of the city, nor shall he during that time be entitled to take any civil service test.

Power of removal of officers and employees.

Method of suspension.

Public hearing.

Record to be filed.
Statement made privileged communication.

Schedule of compensation.

Making false statement as to tests: punishment.

Payment of money in connection with test prohibited.

SEC. 56. No applicant for civil service test or for appointment to the classified service shall, either directly or indirectly, give, render or pay or promise to give, render or pay any money, service or other valuable thing to any person for or on account of, or in connection with, his test, appointment or proposed appointment, nor shall he ask for or receive any recommendation or assistance from any person in the service of the city other than a statement regarding any previous service to the city as a subordinate under such officer or employee.

Other false statements prohibited.

SEC. 57. No person shall wilfully or corruptly make any false statement, certificate, mark, grading or report in regard to any test or appointment held or made under the civil service provisions of this charter, or in any manner commit or attempt to commit any fraud on the impartial execution of any such provisions or of the civil service rules.

Political activities also prohibited.

SEC. 58. No person in the administrative and/or classified service of the city shall directly or indirectly solicit or receive or be in any manner concerned in soliciting or receiving any assessment, subscription or contribution for any political party or political purpose whatever. No person shall orally or by letter solicit or be in any manner concerned in soliciting any assessment, subscription or contribution for any political party or political purpose from any person holding a position in the administrative and/or classified service. No person shall use or promise to use his influence or official authority to secure any appointment or prospective appointment, to any position in the service of the city as a reward or return for personal or partisan political service.

Other unlawful acts in regard to civil service.

SEC. 59. No person about to be appointed to any position in the service of the city shall sign or execute a resignation dated or undated, in advance of such appointment. No person in the service of the city shall discharge, suspend, lay-off, reduce in grade or in any manner change the official rank or compensation of any person in such service, or promise, or threaten to do so, for withholding or neglecting to make any contribution of money or service or any valuable thing for any political purpose. No person in the administrative service of the city shall use his official authority to influence or coerce the political action of any person or body, or to interfere with any nomination or election to public office.

Other political activities prohibited.

SEC. 60. No person holding an appointive office or place in the city government shall act as an officer of a political organization, take part in a political campaign, serve as a member of a committee of any such organization, or circulate, or seek signatures to any petition provided for by primary or election laws, or act as a worker in favor of or in opposition to any candidate for public office.

SEC. 61. It shall be the duty of the director of civil service to supervise the execution of the foregoing civil service provisions of this charter and of the rules made thereunder, and it shall be the duty of all persons in the service of the city to comply with such rules and to aid in their enforcement. Any person who, by himself or with others, wilfully or corruptly deceives or obstructs any person in respect to his right to take part in any test for admission to the classified service of the city; or wilfully and corruptly marks, grades or reports upon the test or proper standing of any person tested for appointment in the classified service, or aids in so doing; or wilfully or corruptly makes any false representation as to the results of such tests or concerning persons so tested; or furnishes special or secret information for the purpose of either improving or injuring the prospects or chances of a person tested or to be tested, or to be appointed, employed or promoted; or impersonates any person, or, permits or aids in any impersonation in connection with any test, application, registration or appointment, or request to be tested or registered; or who makes known or assists in making known to any applicant for test, in advance thereof, any question to be asked on such test; or wilfully or through culpable negligence violates any of the provisions of this Article, shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished by fine of not less than fifty dollars nor more than one thousand dollars, or by imprisonment for a term not exceeding six months. If any such person be an applicant for competitive test he shall be excluded therefrom; if he be an eligible his name shall be removed from the register of eligibles; and if he be an officer or employee of the city he shall immediately forfeit his office or employment.

Control of Director over execution of civil service provisions.

Certain acts in regard thereto made criminal.

Punishment.

SEC. 62. Any taxpayer in the city may maintain an action to recover for the city any sum of money paid in violation of the civil service provisions, or to enjoin the director of civil service from attaching his certificate to a payroll or account for services rendered in violation of this charter or the rules made thereunder; and the rules made under the foregoing provisions shall for this and all other purposes have the force of law.

Recovery of money wrongfully paid out in violation of civil service rules.

SEC. 63. Any chief or head of the fire service or the police service of the City of Asheville and any and all employees of said police service or said fire service, upon the adoption of this charter by popular vote as herein provided who shall have been such officer or employee of the City of Asheville for a term of twelve months, shall, without test, certification or re-appointment or without complying with any of the provisions of this article relating in any way to qualifications for or appointment to such office or position be deemed to hold and occupy such office or position as an officer or employee of the classified service of the city as the case may be and shall only be subject to

Present officers and employees retained without test.

lay-off, suspension or removal therefrom as provided in this act and all of the provisions of this article shall, upon the adoption of this charter by popular vote as herein provided, be applicable to any and all such officers and employees.

Firemen's and policemen's pension funds retained.

SEC. 64. The provisions of Chapter ninety-three of the Private Laws of one thousand nine hundred and twenty-seven establishing a firemen's pension and relief board and providing for the pensioning of disabled and superannuated firemen, not inconsistent with this charter and the provisions of Chapter ninety-five of the Private Laws of one thousand nine hundred and twenty-seven establishing a policemen's pension and relief board and providing for pensioning of disabled and superannuated policemen not inconsistent with the provisions of this charter shall remain in full force and effect, but the firemen's pension and relief board and the policemen's pension and relief board as established by said acts, respectively, are hereby abolished and all of the powers and duties of both of said boards are hereby given to and imposed upon the civil service board created by this Article and such powers and duties, not inconsistent with any other provisions of this charter, shall be exercised and performed by such civil service board.

Boards succeeded by civil service board.

ARTICLE XI.

Elections.

Elections.

Creation of Municipal Board of Elections.

SEC. 65. All municipal primaries and general municipal elections shall be conducted by a Municipal Board of Elections, consisting of three persons of good moral character, who shall be electors of the City of Asheville, who shall be elected by the council (except the appointments herein made), at least three months before any municipal primary and every two years thereafterwards, and whose terms of office shall continue for two years from their appointment and until their successors are appointed and qualified, unless sooner removed therefrom for cause. Each member of the council may nominate one candidate for the Municipal Board of Elections, and upon voting for these candidates each member of the council shall have three votes which must be voted as a unit for any one of the candidates; *Provided, however,* from the ratification of this act, and until three months before the municipal primary to be held in one thousand nine hundred and thirty-three, the Municipal Board of Elections shall be composed of Owen Gudger, Joseph Sevier, Jr., and William Coleman, and in case of the resignation, death, or removal, of any member thereof, the council shall elect a successor in the manner hereinbefore provided for, but not more than two members shall be of the same political party.

Term of office.

Election of Board.

Temporary membership.

Political lines in membership. Duties and functions of Board.

SEC. 66. The Municipal Board of Elections shall perform the duties and functions, and shall be vested with the same power

and authority in the conduct of municipal primaries and general municipal elections, as the County Board of Elections is vested with under the provisions of the general election laws of the State of North Carolina, subject to any exceptions herein contained; and all registrars, baliffs, clerks, and other appointees of the Municipal Board of Elections shall perform the same duties and functions and be vested with the same power and authority, in the conduct of a municipal primary or a general municipal election, as is vested in similar officers under the general State law for the conduct of general elections, subject to any exceptions contained herein.

General laws applicable.

SEC. 67. The expenses of conducting any municipal primary or general municipal election, including the compensation of the members of the Municipal Board of Elections, shall be paid out of the city treasury, and the purchase of all supplies or equipment, for the conduct of municipal primaries or general municipal elections, shall be made through the purchasing agency of the City of Asheville, upon requisition of the Chairman of the Municipal Board of Elections.

Expenses of primaries and elections.

SEC. 68. The voting precincts for municipal primaries or general municipal elections shall be the same as the voting precincts within the City of Asheville, established by the Buncombe County Board of Elections for elections for State and county officers; and the registration books used by the aforementioned Board of Elections for State or county elections, for the precincts within the City of Asheville, shall be used for municipal primaries and general municipal elections. All electors registered on the county registration books within the corporate limits of the City of Asheville, for the purpose of voting in the general election held in one thousand nine hundred and thirty, shall be taken and deemed to be properly and legally registered for municipal primaries or general municipal elections, *Provided*, and as long as, such electors are qualified voters of the precincts in which registered, or until a new registration is ordered; and it shall be the duty of the Register of Deeds for Buncombe County, or any officer of said county having in his custody the county registration books for the several precincts in the City of Asheville, upon the written request or demand of the Municipal Board of Elections, to deliver said registration books to said board for the purpose of conducting a registration, municipal primary and/or general municipal election, within the City of Asheville, and it shall be the duty of the Municipal Board of Elections to return said registration books to the Register of Deeds or other officer from whom received within five days from the date of the general municipal election; *Provided, however*, that the Municipal Board of Elections be and it is authorized, in its discretion, to order a transfer of the names on the county registration books to the city registration books,

Voting precincts.

Registration books.

Present registration retained.

Transfer of names on County books to City books.

New registration may be ordered.

Opening of registration books.

Challenge Day.

General law applicable to primaries and elections.

Absentee ballot law not applicable. Markers and assistants.

Written application for voting assistants.

and to declare the persons, whose names are transferred, as qualified electors in the precinct in which registered, if otherwise qualified, and/or to order a new registration within the city for a municipal primary or general municipal election in the same manner as the County Board of Elections is authorized to order a new registration.

SEC. 69. The registration books shall be opened for the registration of voters for a municipal primary and the succeeding general municipal election at nine o'clock A. M. on the fifth Saturday before each primary, and shall be closed on the second Saturday before the primary, and no other registration for a municipal primary or a general municipal election shall be allowed or permitted except that on the day of a municipal primary or a general municipal election if any person shall give satisfactory evidence to the registrar and judges of election that he has become qualified to register and vote, after the time for registration, herein provided for has expired, he shall be allowed to register on those days. Challenge Day for a municipal primary and the succeeding General Municipal Election shall be held on the Saturday preceding the municipal primary.

SEC. 70. That all municipal primaries and general municipal elections, and the registration of voters therefor, shall be held under and according to the rules and regulations, and subject to the same qualifications, as are now provided for under the general laws of the State of North Carolina, including Chapter ninety-seven of the Consolidated Statutes of North Carolina, and all amendments thereto, not inconsistent with this Act; *Provided, however,* (a) that in municipal primaries and general municipal elections the provisions of the absentee ballot law, authorizing absent electors to vote, shall not apply; (b) that no markers or assistants to voters shall be named or permitted in any municipal primary or general municipal election held under the provisions of this Act; however, any voter may be accompanied into the voting booth by any member of his or her family for the purpose of aiding in the marking of his or her ballot, or by any other person requested by the voter and approved by a majority of the election officials; but before any person, other than a member of the family of the voter, as hereinbefore provided for, shall be allowed or permitted to accompany any voter to a voting booth, the voter must apply in writing to the election officials for a permit to secure such assistance, naming the person whom such voter desires to render assistance and the reasons therefor; but no person shall be allowed to accompany a voter into a booth who has been previously allowed to assist any voter on the day of the municipal primary or general municipal election. The written application shall be preserved by the election officials and by them transmitted to the Municipal Board of Elections and by it kept sub-

ject to public inspection for a period of six months; but before any person shall be permitted to enter any booth for the purpose of rendering assistance to any voter, such person shall be required to take and subscribe an oath that he will not in any manner seek to persuade or induce any voter to vote for or against any particular candidate, and that he will not make or keep any memorandum of anything occurring within the booth and will not disclose the same unless he be called upon to testify in a judicial proceeding for violation of the election laws of this State; (c) that all municipal primaries and general municipal elections shall be non-partisan except as hereinafter provided in Section eighty-two-a of this act, and the Municipal Board of Elections is vested with the power and authority to appoint all registrars, judges of elections, bailiffs, clerks, and other officers to conduct any municipal primary or general municipal election, but not more than one of the judges shall belong to the same political party.

Oath of assistant.

Primaries and elections to be non-partisan.

Appointment of election officials.

SEC. 71. There shall, on the last Tuesday in April, one thousand nine hundred and thirty-one, and every two years thereafter, be held within the City of Asheville a municipal primary for the purpose of nominating councilmen, a judge and a solicitor of the police court.

Time of municipal primaries.

SEC. 72. All candidates to be voted for at a general municipal election shall be nominated by a primary election and no other names shall be placed upon the official ballot for a general municipal election except those nominated in such primary in the manner herein prescribed. Any person desiring to become a candidate for nomination in a primary for the office of councilman or judge or solicitor of the police court shall at least fifteen days prior to said primary (except for the primary to be held in the year one thousand nine hundred and thirty-one five days notice shall be sufficient) file with the Chairman of the Municipal Board of Elections a statement of such candidacy sworn to and subscribed before a Notary Public, in the following forms:

Nomination of candidates in primary.

Filing of candidacy.

I,, being first duly sworn, say that I reside at.....Street in the City of Asheville, County of Buncombe, North Carolina, and am a duly qualified elector of the City of Asheville, and that I am a candidate for nomination for the office of....., to be voted upon at the primary election to be held on the last Tuesday in April 19...., and I hereby request that my name be printed upon the official ballot for nomination by such primary for such office.

Oath of candidate.

.....
Sworn to and subscribed (or affirmed) before me this the..... day of....., 193...

.....
Notary Public.

Filing fee.

and shall, at the time of such filing, pay to the Chairman of the Municipal Board of Elections the sum of Ten (\$10.00) Dollars, which shall be by him transmitted to the treasury of the City of Asheville; and the names of all persons who have filed statements of candidacy, as hereinbefore provided, shall be placed upon the official primary ballot unless such persons die or, in writing, withdraw their notices of candidacy before the printing of the ballots for the municipal primary, in which case the Chairman of the Municipal Board of Elections be and is authorized to not print the name of such proposed candidates upon the official ballot; *Provided, however*, in the primary election held in one thousand nine hundred and thirty-one the last day for filing statement of candidacy shall not be earlier than seven days after the declaration of result of the referendum on adoption of this Act, hereinafter provided nothing to the contrary in this article withstanding.

Printing of official ballot.

SEC. 73. The Municipal Board of Elections shall cause official ballots to be printed for a municipal primary and/or a general municipal election, authenticated in the manner prescribed by the general election laws. Such ballots shall be designated, as the case may be, as official ballot for "Municipal Primary" and/or "General Municipal Election", and upon the same the names of the candidates for councilmen, arranged as hereinafter provided, shall be first placed, and immediately above the names of the councilmen shall appear the words, "vote for nine", and following the names of the candidates for councilmen, arranged in alphabetical order, shall appear the names of the candidates for judge of the police court, and after them the names of candidates for solicitor thereof and immediately above each of such lists of names shall be placed the words, "vote for one". A voting square shall be placed opposite each name, in the manner prescribed by the general election law for the State. Nothing shall appear on any ballot used at a municipal primary or general municipal election indicating any party affiliation.

Arrangement of ballots.

SEC. 74. In printing the ballots for municipal primaries and/or for general municipal elections, the same shall be printed in as many lots as there are names of candidates for councilmen to appear thereon. There shall be substantially the same number of ballots printed in each lot. On the first lot the names of candidates for councilmen shall be arranged alphabetically. On the second lot the name of the candidate appearing first in the list of such names shall appear last in the list of names of candidates for councilmen and no other change shall be made in said second lot of ballots. In each succeeding lot the name of the candidate for councilmen appearing first in the list of such names on the next preceeding lot shall be placed last and no other change shall be made in said lot. In distributing the ballots to precinct voting places the Board of Elections shall

Party affiliation not to be indicated.
Details of printing names on ballots.

send to each precinct voting place substantially the same number of ballots of each lot and the Registrar and Judges at each precinct voting place, after receiving said ballots and before any of the same are voted shall thoroughly mix the same so that the lot from which the ballot used by any voter comes shall be as nearly as may be a matter of chance.

Mixing of ballots after distribution.

SEC. 75. The Municipal Board of Elections shall have the power and authority to call and conduct any and all elections and votes provided for in Article XII of this charter, dealing with the subject of the Initiative, Referendum and Recall and the power and authority vested in said Board by this Article and all of the provisions of this Article relating to elections insofar as applicable and not inconsistent with the provisions of said Article XII shall apply to all elections and votes held as provided in said Article XII.

Calling of special elections.

SEC. 76. The registrars and judges of elections at each precinct shall certify to the Municipal Board of Elections the result of the primary of each precinct and there shall be made, by the judges of election and registrars of the precinct at which they conducted the primary, two certified copies of their return, one copy of which shall be filed by them with the chief executive officer of the City of Asheville and one with the Municipal Board of Elections, by ten o'clock A. M. of the day following such municipal primary or general municipal election which returns shall be kept on file in the archives of the city for public inspection, and from which the Municipal Board of Elections shall, on the day following the primary election, canvass such returns so received from all the polling precincts and shall make and publish, by reading at the front door of the city hall, the result thereof, and tabulate such returns and file the same, under oath, with the chief executive officer of the City of Asheville, immediately upon completion of such canvass and tabulation.

Certification of primary returns.

Time of making.

Canvassing of returns.

SEC. 77. The eighteen candidates receiving the highest number of votes for councilmen, the two candidates receiving the highest number of votes for judge of the police court and the two candidates receiving the highest number of votes for solicitor, in the municipal primary, shall be the candidates for the general municipal election, and the only candidates whose names shall be placed on the ballot for councilmen and the judge and the solicitor of the police court at the general municipal election. In the event of a tie between one or more candidates entitled to have their names placed on the ballot at the general municipal election and one or more candidates not so entitled, the tie shall be decided by a majority vote of the Municipal Board of Elections.

Candidates for municipal election.

Tie in vote decided by Board of Elections.

SEC. 78. There shall, on the second Tuesday in May, one thousand nine hundred and thirty-one, and every two years thereafter, be elected nine councilmen and a judge and a

Time of municipal elections.

solicitor of the police court, and such election shall be called "The General Municipal Election."

Canvassing of returns.

SEC. 79. The returns and canvass of the vote for general municipal elections shall be made in the same manner as that required for municipal primaries, except that upon completion of the canvass and tabulation, the Municipal Board of Elections shall declare the candidates duly elected to the respective offices. Upon declaration of the results of the election the Chairman of the Municipal Board of Elections shall issue a certificate of election to those candidates who have received a majority of the vote cast. In the event two or more candidates shall be equal and highest in votes, then one of them shall be chosen by a ballot of the Municipal Board of Elections and after such vote the Chairman of said Board shall issue a certificate of election in the same manner as if the person selected by a majority vote of the Municipal Board of Elections had received the highest number of votes at the general municipal election.

Certificate of election.

Officers of election prohibited from receiving any money for services rendered relative to primary or election.

SEC. 80. It shall be unlawful for any registrar, judge of election, or other person appointed to perform any functions or duties in connection with any municipal primary or general municipal election by the Municipal Board of Elections, to receive directly or indirectly any compensation, emolument, or other thing of value for any service rendered in connection with a municipal primary or general municipal election, pursuant to the election laws, except the per diem compensation allowed by the Municipal Board of Elections, whose duty it shall be to establish per diem rates of compensation for services rendered by any registrar, judge of election, or other appointee, previous to the appointment of such registrar, judge of election, or other appointee.

Except per diem compensation.

Political activities on part of election officials prohibited.

SEC. 81. It shall be unlawful for any member of the Municipal Board of Elections, or registrar, or judge of election, or other election official appointed by the Municipal Board of Elections, from and after the date of qualification by the aforementioned officials, until after the canvass and tabulation of the result of a general municipal election, to act as an officer of a political organization, take part in a political campaign, serve as a member of a committee of any such organization, or act as a worker in favor of, or in opposition to, any candidate for public office in a municipal primary or general municipal election, and/or during the aforementioned period in any manner seek to persuade or induce any voter to vote for or against any particular candidate.

Other political activities prohibited.

SEC. 82. It shall be unlawful for any officer or employee of the city, except those elected by the vote of the people, to act as an officer of a political organization, serve as a member of a committee of any such organization, or act as a worker in favor of or in opposition to any candidate for public office in a munic-

ipal primary or general municipal election, and no officer or employee of the City of Asheville shall be eligible to serve as an election official in any municipal primary or general municipal election, and any person violating any of the provisions of this or the next two succeeding articles shall be guilty of a misdemeanor and punished in the discretion of the Court.

Violation
made
misdemeanor.

SEC. 82-a. In the event that as the result of the election on the ratification of this act held as provided in Article fourteen hereof, this act shall be ratified and it shall be determined that municipal primary and general municipal elections for the city shall be partisan, then the provisions of this Article shall apply to such elections except the provisions of sections seventy-two (72), seventy-three (73), seventy-four (74) and seventy seven (77).

Provisions of
Article
applicable
if voters
ratify Act.

ARTICLE XII.

Initiative, Referendum and Recall.

SEC. 83. Any proposed ordinance may be submitted to the council by a petition signed by registered voters of the city as shown by the registration books for the last preceding election of municipal officers therein (in no event less than one thousand) equal to fifteen per cent of one-ninth of the total of all votes cast for members of the city council at the next preceding municipal election. The signatures, residence, addresses, verifications, filings, authentications, inspections, certifications, amendments and submission of such petition shall be the same as hereinafter provided in this article for petitions for the recall of officials. If the petition accompanying the proposed ordinance be signed by the requisite number of voters and contains a request that said ordinance be passed or submitted to a vote of the electors if not passed by the council, such board shall within fifteen days after such petition is submitted to it, either:

Initiative,
Referendum
and Recall.

Petition for
initiative.

Contents.

Action of
Council on.

(a) Pass such ordinance without alteration, or

May pass
ordinance.

(b) Submit the ordinance to the qualified voters at a special election called for that purpose and held not more than forty-five days after the date of such call or at a general election occurring within ninety days after the date of the certificate of the chairman of the board of elections.

Or submit same
to voters.

Time of election.

The ballots used when voting upon such ordinance shall state briefly the general nature of the ordinance and contain the words "For the Ordinance" and "Against the Ordinance". If the majority of the voters voting on a proposed ordinance shall vote in favor thereof, such ordinance shall become a valid and binding ordinance of the city from the date when the result of such vote is officially declared. No ordinance becoming effective as in this section provided shall be repealed or amended, except by a vote of the people.

Ballots.

Number of ordinances may be voted on at same election.

Any member of proposed ordinances may be voted upon at the same election in accordance with the provisions of this article, but there shall not be more than one such special election in any period of six months for such purpose. The council may submit a proposition for the repeal of any such ordinance or for amendment thereto to be voted upon at any succeeding general city election and should any such proposition so submitted receive a majority of the votes cast thereon at such election such ordinance shall thereby be repealed or amended accordingly as of the date when the result of such vote is officially declared. Whenever any ordinance or proposition is required pursuant to this article to be submitted to the voters of the city at any general or special election the city shall cause such ordinance or proposition to be published once in the daily newspaper published in the city having the largest circulation and once in the daily newspaper published in the city having the second largest circulation and in all copies of the edition of each of said newspapers having the largest circulation in said city. Such publication shall be made not more than twenty nor less than five days before the submission of such proposition or ordinance to vote as aforesaid.

Publication of ordinance before election.

Suspension of ordinance to be voted on by way of repeal.

Petition for.

SEC. 84. If, after the passage of any ordinance by the council and before the same goes into effect a petition be submitted as herein provided signed by registered voters of the city equal to the number prescribed herein to be signed to a petition requesting the submission of a proposed ordinance as specified in section eighty-three hereof protesting against a passage of such ordinance, the operation of such ordinance shall thereupon be suspended and it shall be the duty of the council to again consider such ordinance and if the same is not entirely repealed at the next regular meeting of the council following the submission of such petition the council shall submit to the voters the question of the repeal of such ordinance at an election to be held for that purpose in the manner and under the conditions in this article provided for reference to voters of the question of the adoption of an ordinance. The signatures, residence, addresses, verifications, filings, authentications, inspections, certifications, amendments and submission of such petition shall be the same as provided in this article for petitions for the removal of officers. If, upon such election the majority of the votes cast shall be in favor of such ordinance the same shall upon the result of such election being officially declared thereupon become a valid and binding ordinance of the city, otherwise such ordinance shall be deemed not an ordinance of the city.

Contents of petition.

Procedure relative to recall of officers.

SEC. 85. The holder of any elective office under the city charter may be removed at any time by the voters qualified to vote for a successor of such incumbent. The procedure to effect the removal of an incumbent of the elective office shall be as fol-

lows: a petition signed by voters qualified to vote for a successor to the incumbent sought to be removed equal in number to at least twenty-five per cent of one-ninth of the total vote cast for all candidates for members of the council at the next preceding general municipal election demanding an election of a successor of the person sought to be removed shall be filed with the chairman of the city board of elections which petition shall contain a general statement of the grounds for which the removal is sought. The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number. One of the signers of each paper shall make oath before an officer competent to administer oaths that the statements thereon made are true, as he believes and that each signature to the paper appended is the genuine signature of the person whose name it purports to be. Within ten days from the date of filing such petition the city board of elections shall examine and from the registration books used at the next preceding municipal election held in the city ascertain whether or not said petition is signed by the requisite number of qualified voters. Such registration books shall for that purpose be made available to the city board of elections by the officer or board in whose custody they may be. The chairman of the board of elections shall attach to said petition his certificate, showing the result of such examination as determined by the board of elections. If by such certificate the petition is shown to be insufficient it may be amended within ten days from the date of such certificate. The board of elections shall within ten days after such amendment make a like examination of the amended petition and if the certificate of the chairman of the board of elections which shall be made thereafter in accordance with the decision of the board of elections on the matter shall show the petition to be insufficient, such petition shall be returned to the person filing the same without prejudice to the filing of a new petition to the same effect. If the petition shall be deemed sufficient by the Board of Elections, the chairman of said board shall forthwith so certify and shall submit the petition to the council at its next regular meeting. If the petition shall be found to be sufficient the council shall order and fix a date for holding an election for the election of a successor to the elective officer sought to be removed. In the event a primary election is held in connection with the election of members of the council under the provisions of this charter or any amendment thereto, then in effect, then the date of such primary or in the event none is to be held, the date of such election shall be fixed not less than fifteen or more than thirty days from the date of the certificate of the chairman of the Board of Elections to the council that a sufficient petition is filed. A petition filed as aforesaid may de-

Petition.

Contents
of petition.Examination of
petition as to
sufficiency.Amendment
of petition.Fixing date
for recall
election.

mand the election of a successor to more than one elective officer of the city. An officer elected at a recall election as aforesaid, shall hold office for the unexpired term of the officer whom he succeeds.

Officers sought to be recalled may offer as candidates.

SEC. 86. Any elective officer sought to be removed as aforesaid shall be eligible to succeed himself unless ineligible for some other reason contained in this charter or under the general law of the State and each such elective officer so sought to be removed shall, unless within three days after the ordering of an election or primary as aforesaid, he files with the chairman of the board of elections a written refusal to be candidate to succeed himself, be considered a candidate to succeed himself and shall be treated as such in the same manner as if he had become a candidate for such office in the manner provided in this charter.

ARTICLE XIII.

General Administrative Provisions.

General Administrative Provisions.

SEC. 86. That, except as inapplicable or as inconsistent with the provisions of this act, sections one hundred and forty-one to one hundred and sixty-nine, both inclusive of chapter sixteen of the Private Laws of one thousand nine hundred and twenty-three relating to the police court of the City of Asheville and acts amending the same or any part thereof and/or relating to the same subject matter are hereby re-enacted and shall remain in full force and effect except that wherever in any of said sections or acts the words "Board of Commissioners" is used the same shall be changed to read "Council" and wherever the words "Secretary-Treasurer" are used therein they shall be changed to read "Treasurer".

Police Court Acts retained.

SEC. 87. That sections one hundred and seventy-nine to two hundred and one, both inclusive of chapter sixteen of the Private Laws of one thousand nine hundred and twenty-three relating to health and sanitation and any and all acts, amendatory of said sections or any of them and/or relating to the same subject matter, insofar as applicable and except as inconsistent with other provisions of this act be, and the same are hereby re-enacted and shall remain in full force and effect, except that wherever the words "Board of Commissioners" occur, the same shall be changed to read "Council" and wherever an officer or employee of the city is referred to the duties and powers given it or imposed upon such officer or employee shall be performed and/or possessed by the city manager or by such officer or employee as he shall designate.

Health and sanitation Acts retained.

SEC. 88. The council is authorized and empowered by ordinance for the purpose of promoting public health and/or public safety in the City of Asheville, to adopt and enforce the provisions of a building code for said city, including by way of

Building code to be adopted.

illustration but not of limitation, provisions, regulations and requirements with respect to the construction of structures and buildings of all kinds, plumbing, heating and electrical construction fixtures and equipment therein, and the inspection of all such structures, buildings, construction, fixtures and equipment; *Provided* that such ordinance shall contain no provisions inconsistent with the provisions of general law relating to the same subject matter. Such ordinance may provide for such reasonable inspection fees in connection with inspections provided for by such ordinance or by general law as the council shall deem just.

Inspection fees.

SEC. 89. Sections two hundred and thirty-nine to two hundred and forty-two, both inclusive of chapter sixteen of the Private Laws of one thousand nine hundred and twenty-three, relating to franchises and all acts amendatory thereof, and/or relating to the same subject matter insofar as applicable and not inconsistent with any other provision of this act shall be and remain in full force and are hereby re-enacted except that wherever the words "Board of Commissioners" are used they shall be changed to read "Council" and wherever the words "Secretary-Treasurer" are used, they shall be changed to read "Treasurer."

Acts relating to franchises retained.

SEC. 90. Sections two hundred and forty-three to two hundred and forty-six, both inclusive, of chapter sixteen of the Private Laws of one thousand nine hundred and twenty-three, relating to actions and claims against the city and all acts amendatory thereof, and/or relating to the same subject matter insofar as applicable and not inconsistent with any other provision of this act shall be and remain in full force and are hereby re-enacted, except that wherever the words "Board of Commissioners" are used, they shall be changed to read "Council" and wherever the words "Secretary-Treasurer" are used, they shall be changed to read "Treasurer."

Acts relating to actions and claims against City retained.

SEC. 91. That sections two hundred and eighty-five to three hundred and eighty-four, both inclusive, of chapter sixteen of the Private Laws of one thousand nine hundred and twenty-three, relating to public improvements and all acts amendatory of said sections or any of them and/or relating to the same subject matter insofar as applicable and not inconsistent with any of the other provisions of this act shall be and remain in full force and effect and are hereby re-enacted, except that wherever the words "Board of Commissioners" are used they shall be changed to read "Council" and wherever the word "Mayor" or the words "Secretary-Treasurer" are used they shall be changed to read "City Manager".

Acts relating to public improvements retained.

SEC. 92. That sections three hundred and eighty-five to three hundred and ninety-one, both inclusive and sections four hundred and fourteen of chapter sixteen of the Private Laws of one

Acts relating to taxation retained.

thousand nine hundred and twenty-three, relating to taxation for municipal purposes and all acts amendatory of said sections or any of them or relating to the same subject matter insofar as applicable and where not inconsistent with the other provisions of this charter shall be and remain in full force and are hereby re-enacted, except that wherever the words "Board of Commissioners" are used the same shall be changed to read "Council" and wherever the word "Mayor" or words "Mayor Commissioner" are used, the same shall be changed to read "City Manager" and where the words "Secretary-Treasurer" are used the same shall be changed to read "City Manager."

Planning
Commission
retained.

SEC. 93. The Planning Commission of the City of Asheville shall remain as an administrative agency thereof possessing the powers and having the duties set out in chapter one hundred and sixty-nine of the Public-Local Laws of the extra session of one thousand nine hundred and twenty-one as amended. The members of such Planning Commission shall be elected by the council at the first meeting thereof and shall hold office for two years or until their successors are elected and qualified. Thereafter, members of said board shall be elected for a term of two years and until the election and qualification of their successors and vacancies on the Board shall be filled by the Council for the unexpired term.

Election and
term of office
of members.

Vacancies.

Library
Board
retained.

SEC. 94. The Library Board of the City of Asheville shall remain an administrative agency thereof and shall have the powers and perform the duties set out in chapter fifty-four of the Private Laws of one thousand nine hundred and twenty-three. The members of said Board shall be elected by the Council at its first meeting and shall hold office for a term of two years and until their successors are elected and qualified. Thereafter, members of said Board shall be elected for a term of two years and until the election and qualification of their successors and vacancies on the Board shall be filled by the Council for the unexpired term.

Election and
term of office
of members.

Vacancies.

Existing
ordinances not
inconsistent
with this Act
retained.

SEC. 95. Except as inconsistent with the provisions of this act, all ordinances of the City of Asheville now in full force and effect shall remain in full force and effect as ordinances of such city until repealed by the Council or in some manner authorized by this act and all rules and regulations relating to the administration of the government of the city now in force and effect shall remain in full force and effect unless and until repealed by the Council or superseded in whole or in part by rules and regulations made by the Council or by the City Manager as in this act provided.

Present
officers
retained.

SEC. 96. All persons holding administrative offices at the time this charter takes effect shall continue in office and in performance of their duties until provisions shall have been made in accordance with this charter for the performance of such duties

or the discontinuance of such offices. The powers conferred, the duties imposed upon any officer, commission, board or department of the city by law, shall if such office, commission, board or department be abolished by this charter be thereafter exercised and discharged by the office or department designated by the Council unless otherwise provided herein.

SEC. 97. Every officer of the city shall, before entering upon the duties of his office, take and subscribe to the following oath or affirmation to be filed and kept in the office of the City Clerk: "I solemnly swear (or affirm) that I will obey the Constitution and laws of the United States and the Constitution and laws of North Carolina, and that I will in all respects observe the provisions of the charter of the City of Asheville and the ordinances of the City of Asheville and faithfully discharge the duties of the office of....."

Officers to take oath of office.

Oath set out.

SEC. 98. The city manager, the director of the department of finance and all employees of the city whose duties require them to handle any funds of the city and such other officers and employees of the city as the council may by resolution determine shall give bonds for the faithful performance of their duties and the council by resolution shall require the giving and maintenance of all such bonds in amounts adequate to protect the city from loss. The premiums on such bonds shall be paid by the city.

Bonds of those handling money.

SEC. 99. That all acts and parts of acts in conflict with this act be and the same are hereby repealed and the following acts, whether in conflict with the present act or not, are hereby repealed:

Conflicting laws repealed.

Chapter sixteen of the Private Laws of one thousand nine hundred and twenty-three except as brought forward and re-enacted in article thirteen hereof.

Ch. 16, Private Laws 1923, amended.

Chapter one hundred thirty-eight of the Private Laws of one thousand nine hundred and twenty-seven.

Ch. 138, Private Laws 1927, repealed.

Chapter one hundred twenty of the Private Laws of one thousand nine hundred and twenty-three except such portions as may have been brought forward and re-enacted in article thirteen hereof.

Ch. 120, Private Laws 1923, amended.

Chapter twenty-six of the Private Laws of one thousand nine hundred and twenty-five.

Ch. 26, Private Laws 1925, repealed.

Chapter one hundred thirty-nine of the Private Laws of one thousand nine hundred and twenty-seven.

Ch. 139, Private Laws 1927, repealed.

Chapter one hundred twenty-five of the Private Laws of one thousand nine hundred and twenty-seven.

Ch. 125, Private Laws 1927, repealed.

Chapter one hundred one of the Private Laws of one thousand nine hundred and twenty-seven, but all of the powers and duties conferred or imposed by this act on the Park Commission therein created shall be possessed and performed by the council or by such administrative officer or department of the city as the council may by resolution direct.

Ch. 101, Private Laws 1927, repealed.

Duties of Park Commission devolve upon council.

Ch. 136, Private Laws 1923, repealed.

Ch. 24, Private Laws ex-1924, repealed.

Ch. 61, Private Laws ex-1924, repealed.

Ch. 101, Private Laws 1925, repealed.

Ch. 123, Private Laws 1927, repealed.

Ch. 181, Private Laws 1925, repealed.

Ch. 58, Private Laws 1927, repealed.

Ch. 413, Public-Local Laws 1927, repealed.

Ch. 141, Public Laws 1929, repealed.

Existing provision of charter not in conflict herewith retained.

Constitutional parts of Act upheld.

Chapter one hundred thirty-six of the Private Laws of one thousand nine hundred and twenty-three.

Chapter twenty-four of the Private Laws, Extra Session of one thousand nine hundred and twenty-four.

Chapter sixty-one of the Private Laws of the Extra Session of one thousand nine hundred and twenty-four.

Chapter one hundred one of the Private Laws of one thousand nine hundred and twenty-five.

Chapter one hundred twenty-three of the Private Laws of one thousand nine hundred and twenty-seven.

Chapter one hundred eighty-one of the Private Laws of one thousand nine hundred and twenty-five.

Chapter fifty-eight of the Private Laws of one thousand nine hundred and twenty-seven.

Chapter four hundred thirteen of the Public-Local Laws of one thousand nine hundred and twenty-seven.

Chapter one hundred forty-one of the Public Laws of one thousand nine hundred and twenty-nine.

SEC. 100. That all provisions of the present charter of the City of Asheville and the acts amendatory thereof not in conflict with this act are continued in full force and effect.

SEC. 101. If any provisions of this charter are held unconstitutional, the remainder shall stand.

ARTICLE XIV.

Election on Ratification of Act.

SEC. 102. That on the third Tuesday in April, one thousand nine hundred and thirty-one, there shall be held in the City of Asheville an election at which all voters who are then registered and qualified to vote shall be entitled to vote for the purpose of determining whether it is the will of such voters that this act shall become law applicable to the City of Asheville; such election shall be advertised by the Board of Commissioners of the city for twenty consecutive days prior to the holding thereof, said advertisement to be inserted in each daily newspaper published in the City of Asheville; that such election shall be conducted in all things as hereinbefore provided in this act for the holding of general municipal elections as nearly as may be.

SEC. 103. That at each voting place in the city at such election there shall be provided one box in which each person entitled to vote may deposit one ballot. Such ballots shall be printed under the direction and supervision of the Municipal Board of Elections and shall have printed thereon in the upper half thereof the words "For Council-Manager Form of Government" and underneath those words the words "Against Council-Manager Form of Government." (In the lower half of said ballot shall be printed the words "For Non-Partisan Elec-

Election on Ratification of Act.

Time of.

Advertisement of election.

Voting places.

Ballots.

tions" and underneath those words, the words "For Partisan Elections". A voting square shall be placed opposite each of said four phrases.) Nothing else shall appear on any such ballot. Those wishing to vote that all of the provisions of this act shall become law applicable to the City of Asheville shall place a cross in the voting square opposite the words "For Council-Manager Form of Government" and those wishing to vote against the provisions of this act becoming law applicable to the City of Asheville shall place a cross in the voting square opposite the words "Against Council-Manager Form of Government." Those wishing to vote that elections held under the provisions of this act in the event of its ratification shall be non-partisan, shall place a cross in the voting square opposite the words "For Non-Partisan Elections" and those wishing to vote that such elections in such event shall be partisan, shall place a cross in the voting square opposite the words "For Partisan Elections."

Proposition
to be voted on.

SEC. 104. That the election officers for each precinct within six hours from the time the polls are closed in the election to determine the question as to whether the foregoing provisions shall become a law, shall count the ballots and certify the results to the Board of Elections provided for in this act, who shall within twenty-four hours examine such certificates and formerly declare whether a majority of those voting have voted "For Council-Manager Form of Government" or "Against Council-Manager Form of Government" and whether a majority of those voting have voted "For Non-Partisan Elections" or "For Partisan Elections", and thereupon certify the result of their examination to the Board of Commissioners who shall cause the same to be spread upon the minutes of their next regular meeting after the receipt of such report. If it shall appear from the certificates of the Board of Elections to the Board of Commissioners that a majority of those voting at such election have voted "For Council-Manager Form of Government" the foregoing sections of the proposed charter and laws shall at once become effective and the law applicable to the City of Asheville, North Carolina, as if unconditionally enacted by the General Assembly of North Carolina. (If it shall appear from the certificates of the Board of Elections to the Board of Commissioners that a majority of those voting at such election have voted "For Non-Partisan Elections", then in the event of the ratification of this act, as aforesaid, elections held hereunder shall be non-partisan as herein provided. Otherwise such elections shall be partisan.)

Certification
of results.

Declaration
of results.

SEC. 105. That this act shall be in force and effect from the date of declaring carried the election "For Council-Manager Form of Government" in the manner hereinabove set out, *Pro-*

Time of taking
effect of Act.

vided, however, that so much of this act as provides for an election for the adoption thereof by a vote of the people shall be in full force and effect from and after its ratification.

Ratified this the 30th day of March, A.D., 1931.

CHAPTER 122

AN ACT TO SUPPLEMENT THE ACT ENTITLED "AN ACT TO AMEND CHAPTER THREE HUNDRED NINETY-FIVE OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED NINE AND ALL ACTS AMENDATORY THEREOF, RELATING TO THE CITY CHARTER OF THE CITY OF HIGH POINT" RATIFIED THE TWENTY-FIRST DAY OF MARCH, ONE THOUSAND NINE HUNDRED AND THIRTY-ONE.

The General Assembly of North Carolina do enact:

SECTION 1. The persons who were mayor and councilmen of the City of High Point on the twenty-first day of March, one thousand nine hundred and thirty-one, shall continue to hold their respective offices until a mayor and councilmen are elected and have qualified pursuant to and in accordance with the act entitled "An Act to Amend Chapter Three Hundred Ninety-five of the Public-Local Laws of One Thousand Nine Hundred Nine and All Acts Amendatory Thereof, Relating to the City Charter of the City of High Point", approved the twenty-first day of March, one thousand nine hundred and thirty-one, and said mayor and councilmen shall have all the powers and perform all the duties granted to or imposed upon the mayor and councilmen of said city by said act and shall constitute the city council of said city established by said act, until their successors have been duly elected and have qualified pursuant to said act. All official acts of said mayor and councilmen performed on and after March twenty-first, one thousand nine hundred thirty-one, and prior to the ratification of this act are hereby validated.

SEC. 2. This act shall be in force and effect from and after its ratification.

Ratified this the 1st day of April, A.D., 1931.

CHAPTER 123

AN ACT TO APPOINT A BOXING COMMISSION FOR THE CITY OF GREENVILLE, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That the mayor of the City of Greenville is hereby empowered and authorized to appoint a boxing commission to consist of three citizens who shall serve for a period not to

S. B. No. 362,
Private Laws,
1931, amended,
retaining
present
officers of
High Point
till next
election.

Powers and
duties.

Official acts
validated.

Creation of
boxing
commission for
Greenville.

exceed that of the mayor appointing said commissioners, and who shall serve without compensation.

SEC. 2. That it shall be lawful to engage in, manage, or promote boxing exhibitions which do not exceed fifteen rounds in length, and in which no decision shall be rendered: *Provided*, said commission shall have full power and authority to make such rules and regulations as in its discretion may be necessary for the proper regulations of such boxing exhibition and shall have power to prohibit or stop a match at any time, even after consent has been given for the holding of such boxing exhibition.

Boxing matches allowed with consent and under supervision of commission.

SEC. 3. That all profits derived from such boxing exhibitions, after paying the boxers and the expenses of said exhibition, shall be paid to the local Post of the American Legion.

Application of profits to American Legion.

SEC. 4. That any person or persons guilty of engaging in or promoting, aiding or abetting such sparring matches without first having the written consent of said boxing commission, and any person or persons violating the rules and regulations of said commission or refusing to obey orders or said commission controlling a sparring match, shall be guilty of a misdemeanor, and shall be fined not more than five hundred dollars or imprisoned not more than six months.

Violation of Act made misdemeanor.

Punishment.

SEC. 5. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Conflicting laws repealed.

SEC. 6. That this act shall be in full force and effect from and after its ratification.

Ratified this the 1st day of April, A.D., 1931.

CHAPTER 124

AN ACT TO INCORPORATE THE TOWN OF WARRENSVILLE IN ASHE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the town of Warrentown in Ashe County, be and the same is hereby incorporated under the name and style of "The Town of Warrentown", and shall be subject to all the provisions contained in the code for incorporated towns; also subject to the general laws in relation to municipal corporations.

Town of Warrentown incorporated.

SEC. 2. The corporate limits of said town shall be as follows, viz: Beginning at a point on railway right-of-way on South side of creek at Devil's Stairs on Jefferson Road, and running North with said right-of-way one-fourth ($\frac{1}{4}$) mile to a point on east side of power dam, including house owned by J. W. Eller; thence East with said railway to a point at mouth of Buffalo Creek; thence West including one-half ($\frac{1}{2}$) mile, the houses of J. A. Johnson, A. B. Mitchell, W. E. May, Mrs. G. H. May, Q. H. Ashley, to a stake at the barn of W. M. Roten; thence

Corporate limits.

South one-half ($\frac{1}{2}$) mile to the beginning. Distance being approximately one-half ($\frac{1}{2}$) mile from public square, every point of the compass.

Officers of town.

SEC. 3. That the officers of said town of Warrensville shall consist of a mayor, three aldermen and a marshal, and the aldermen of said town shall have power to elect a secretary and treasurer and tax collector, who shall be required to give bond for the faithful discharge of any duties devolving upon said secretary and treasurer and tax collector in such amount as said aldermen may fix.

Temporary appointment of town officers.

SEC. 4. That for the purpose of carrying this act into immediate operation, and until their successors are elected on the first Monday in May, nineteen hundred and thirty-one, and have qualified in accordance with this act, the following named persons shall fill said offices of mayor and aldermen, to-wit: as Mayor, W. H. Jones, and as Aldermen, W. L. Hughes, C. R. Latham, and W. P. Shoaf. The marshal of said town shall be appointed or elected by the aldermen, and such officers shall have the same powers and authorities as are conferred upon like officers by law, and such additional authority as may be conferred upon the town of Warrensville by this act.

Appointment of town marshal.

Time of first municipal election.

SEC. 5. That an election shall be held in the town of Warrensville for the election of officers mentioned in this act, with the exception of town marshal, which officer shall be elected by the board of aldermen and not by the direct vote of the people of the town, on the first Monday in May, A. D., nineteen hundred and thirty-one, and bi-ennially thereafter, under the same regulations and restrictions that govern the State and county elections.

Oath of office.

SEC. 6. That it shall be the duty of the officers elected to meet, organize and take the oath of office.

Power of officers to levy taxes.

SEC. 7. That the mayor and aldermen shall be styled commissioners and shall have power to levy and collect a tax not to exceed fifty cents on the polls; on all property in said town an amount not to exceed fifteen cents on the one hundred dollars worth of property.

Tax rate.

Police powers of town marshal.

SEC. 8. That when it shall be necessary for the preservation of the public peace, good order and common decency, or for the protection of life, liberty, person or property of individuals, the town marshal shall have authority and it shall be his duty to arrest without warrant the body or bodies of the offending party or parties who have violated the law in the presence of such marshal, and take the offenders before the said mayor of the town as soon as practicable, to be dealt with as the law directs; and to every resistance to such authority by such offenders or others, the party so resisting shall be punished as the ordinance of said town shall provide; and if necessary the marshal shall have power to call to his aid any bystander to assist in making

Power of arrest.

Bystanders may be summoned.

any legal arrest, and one so summoned or called who refuses or fails to help in such arrest, shall upon conviction before the mayor, be punished as the ordinances of the town shall prescribe.

SEC. 9. That the commissioners of said town shall have power to apply the taxes collected under this act, together with all fines and forfeitures, and all other fines derived from the legitimate exercise of this act as they may deem necessary.

Application of taxes, fines and forfeitures.

SEC. 10. That it shall be the duty of the commissioners to require the marshal to enter into a bond, payable to the State of North Carolina, to the use of the town of Warrensville, conditional for the faithful performance of his duties, which bond is to be approved by the commissioners.

Bond of marshal.

SEC. 11. That the officers of said town shall receive such compensation for their services as the mayor and board of aldermen of said town, in their discretion, may authorize.

Compensation of officers.

SEC. 12. That if any officers appointed under this act shall for any reason, fail to serve, or if a vacancy shall at any time occur in the board of aldermen, then the remaining members of the said board of aldermen shall elect or appoint some reputable citizen of said town to fill such vacancy: *Provided*, that if for any reason the mayor fail to qualify, or if a vacancy occur in said office, then the board of aldermen shall elect or appoint from the citizens of said town, a mayor, who shall serve as such until the next regular election for town officers or until his successor is elected and qualifies.

Vacancy appointments.

SEC. 13. That this act shall be in full force and effect from and after its ratification.

Ratified this the 1st day of April, A.D., 1931.

CHAPTER 125

AN ACT TO PERMIT THE REDUCTION OF EXPENSES AND TAXES IN THE CITY OF ASHEVILLE.

Whereas, the financial condition of the City of Asheville is such as to require for the welfare of its citizens and taxpayers that the utmost and most stringent economy should be exercised and had in all branches and departments of its government, and in the operation and management of all branches and departments of its public schools:

Preamble:
Financial depression in Asheville demands strictest economy.

The General Assembly of North Carolina do enact:

SECTION 1. That the governing authorities of the City of Asheville be, and they are authorized and empowered to inaugurate and put into effect any and all such changes, reductions, discontinuances and reforms, in any department, branch,

City authorized to curtail expenses and discontinue activities in their discretion.

office or offices, activities, functions, systems and operations now in force and effect in the administration of its powers and authority, for such time or periods of time as it may be deemed necessary in order to obtain the economical reforms desired and so essential, anything in the Charter of said City to the contrary notwithstanding.

Likewise as to public schools.

SEC. 2. That the governing authorities of the public schools maintained and operated in said City of Asheville, be and are authorized and empowered to inaugurate and put into effect any and all changes, reductions, rearrangements, discontinuances and reforms in any department, grade, system, activities, functions and operations now in force and effect in the maintenance and operation of the public schools of said city, for such time or periods as may be deemed necessary in order to obtain the economical reforms desired and so essential; anything in the Charter of said city to the contrary notwithstanding.

Re-establishment of curtailed activities when advisable.

SEC. 3. This act shall not prevent the said governing authorities aforesaid from at any time re-establishing and/or in operating any department, office, offices, activities, functions, grades, systems and operations if reduced, or discontinued, which are now used and in force and effect, whenever, in the opinion of the said governing authorities aforesaid, such re-establishment and operation of any such are desirable and to the interest and welfare of the citizens and taxpayers of the community.

Reduced expenses to be translated into budgets.

SEC. 4. There shall be eliminated from the budgets of the governing authorities of said city and of the governing authorities of the public schools the sums necessary and required for the maintenance and operation of any of the matters and things so reduced, changed and/or discontinued, and the taxes to be levied and assessed in said city shall be correspondingly reduced in like amount, so that the economical reforms desired and so essential may be had and obtained; and any and all acts, general or local, shall not have the effect to prevent the reduction in taxes as aforesaid.

Conflicting laws repealed.

SEC. 5. All acts and clauses of acts, general, special, local, private and/or public-local, in conflict herewith are hereby repealed, and this act shall be in addition to and not in substitution of any other act relating to the schools of the City of Asheville and is not repealed by any other act unless this act is specifically referred to by its title.

Certain laws preserved.

SEC. 5a. That this act shall not have the effect of repealing any act or the authority thereof when such act has been submitted to a vote of the people and voted upon favorably.

SEC. 6. This act shall be in full force and effect from and after its ratification.

Ratified this the 1st day of April, A.D., 1931.

CHAPTER 126

AN ACT AMENDING CHAPTER SIX HUNDRED FIFTY-ONE, PUBLIC LAWS, ONE THOUSAND NINE HUNDRED NINE, AS AMENDED, BY CONFERRING CERTAIN CIVIL JURISDICTION ON THE MUNICIPAL COURT OF THE CITY OF GREENSBORO AND REGULATING THE EXERCISE THEREOF AND BY MAKING THE CRIMINAL JURISDICTION OF SAID COURT IN CERTAIN CASES EXCLUSIVE.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter six hundred and fifty-one, Public Laws, nineteen hundred and nine, as amended, be and the same is hereby further amended by adding to said act the following sections:

Ch. 651, Public Laws 1909, amended, as to Municipal Court of Greensboro.

"SEC. 32. Civil Jurisdiction; Jurisdiction of The Cause of Action. In addition to the jurisdiction hereinbefore conferred upon said Municipal Court of the City of Greensboro, said court shall, subject to the provisions of section thirty-four of this act, have the following civil jurisdiction:

Civil jurisdiction.

a. Concurrent jurisdiction with justices of the peace in all civil matters, actions and proceedings within the jurisdiction of justices of the peace.

Concurrent with J. P.'s

b. Concurrent jurisdiction with the Superior Court of civil actions as follows:

Concurrent with Superior Court.

1. In actions founded on contract where the sum demanded (exclusive of interest) or the value of the property in controversy does not exceed five hundred dollars.

Contract actions up to \$500.

2. In actions founded on tort where the sum demanded does not exceed two hundred dollars.

Tort. \$200.

Provided, that said court shall have concurrent jurisdiction with the courts of the Justices of the Peace in all actions now within the jurisdiction of the courts of the Justices of the Peace for the recovery of personal property, where founded upon contract or tort, and also jurisdiction where the value of the property in controversy does not exceed five hundred dollars; *Provided, further*, that said court shall not have jurisdiction of any action wherein the title to real estate is in controversy.

Recovery of personal property.

No jurisdiction as to real estate titles.

"SEC. 33. Provisional Remedies. Said court shall have power and authority to grant the provisional remedies of arrest and bail, attachment and claim and delivery in connection with any matter of which it has jurisdiction in any case where such remedies are now or may hereafter be allowed by law, but it shall have no authority to appoint receivers or issue injunctions.

Provisional remedies.

"SEC. 34. Jurisdiction of the Person. Such jurisdiction as is provided for in section thirty-two of this act may be exercised in any of the following cases:

Jurisdiction of person.

- Plaintiff. a. Where the plaintiff, or any of the plaintiffs, if an individual or natural person, lives in the City of Greensboro.
- Defendant. b. Where the defendant, or any one of the defendants, if an individual or natural person, lives in the City of Greensboro.
- Corporation as plaintiff. c. Where the plaintiff, or any one of the plaintiffs, if a corporation, has a place of business in the City of Greensboro.
- As defendant. d. Where the defendant, or any one of the defendants, if a corporation, has a place of business in the City of Greensboro.
- No jurisdiction conflicting with High Point Court. *Provided*, that said court shall have no jurisdiction of any case of which the High Point Municipal Court has jurisdiction of the cause of action if the defendant or any one of the defendants is a resident of High Point Township, or, if a corporation, has its principal office in High Point Township; *Provided, further*, that no summons shall be issued for any defendant, if any individual, residing outside of, or if a corporation, not having a place of business in, Guilford County, unless application for the issuance of the same is made to the judge of said Civil Division and said judge, upon being satisfied by affidavit or otherwise that a trial in Guilford County will work no injustice to the said defendant, orders said summons to be issued.
- Application for summons to run outside of County. "SEC. 35. Divisions of Municipal Court; Jurisdiction of Each. The Municipal Court of the City of Greensboro, as provided for in this act, shall be divided into two divisions, one of which shall be designated the Criminal Division, and the other of which shall be designated The Civil Division. The Criminal Division shall have jurisdiction of all criminal matters within the jurisdiction of the court, and the Civil Division shall have jurisdiction of all civil matters within the jurisdiction of the court.
- Two divisions of Court. "SEC. 36. Separate Judge for Each Division; Judge of Criminal Division. There shall be a separate judge for each division of the court. The judge hereinbefore provided for in this act shall be the judge of the Criminal Division; *Provided*, that in the discretion of the city council only one judge may be appointed to preside over both the Criminal Division and the Civil Division of said court.
- Criminal. Civil. "SEC. 37. Judge of Civil Division; Appointment; Term; Qualification; Salary. The City Council of the City of Greensboro shall appoint a judge of the Civil Division of said court, whose term of office shall extend to December thirty-first, nineteen hundred and thirty-one. During the month of December, nineteen hundred and thirty-one, and during the same month each second year thereafter, the City Council of the City of Greensboro shall appoint for a two-year term a judge of the Civil Division of said Court, whose term of office shall begin on the first day of January next following his appointment.
- Separate judges.
- Same judge may hold both.
- Civil division judge.
- Term of office.

Such person so appointed shall be a resident of the City of Greensboro and a licensed attorney at law. Said judge so appointed shall be appointed on a whole or part-time basis as the business of the court may justify and as the City Council may direct, and shall be paid a salary to be fixed by the City Council and to be paid in equal monthly installments.

Qualifications.

Whole or part-time.

Salary.

"SEC. 38. Substitute Judge. The substitute judge provided for by section sixteen of this act shall preside over the Civil Division whenever the judge thereof is prevented from presiding by sickness or other disability, or by absence from the city, or when the said judge is on vacation. In any case where neither the judge nor the substitute judge is available for holding the sessions of said Civil Division, the City Council may designate a temporary judge therefor, who shall preside during such period as may be designated by the City Council.

Substitute judge.

Temporary judge.

"SEC. 39. Clerk, Assistants, and Deputies; Powers. The clerk of the Municipal Court provided for by section eighteen of this act shall perform the duties of the clerk for both the Criminal Division and the Civil Division of said court. The City Council of the City of Greensboro may appoint an assistant clerk and one or more deputy clerks. Said clerk, assistant clerk, and each such deputy shall, with respect to the actions, matters and proceedings of which the Civil Division of said court has jurisdiction, and with respect to all process, proceedings, orders or writs pertaining thereto, have and exercise the same powers, duties and authority as the clerk, the assistant clerk and the deputy clerks, respectively, of the Superior Court would have if the Superior Court had jurisdiction thereof; except that they shall have no authority to enter judgment in any case or to issue execution upon any judgment.

Clerk and his assistants: duties.

"SEC. 40. Sessions; Place. The Civil Division of said court shall hold sessions daily, except on Sundays and State holidays, in the city hall of the City of Greensboro or at such other place as may be designated therefor by the City Council of the City of Greensboro.

Court sessions and place of holding.

"SEC. 41. Prosecution Bond; Cash Deposit; Fee for Service of Summons. No prosecution bond shall be required in any action instituted in said court; but, before the issuance of summons in any action, the plaintiff shall deposit with the clerk of the court the sum of one dollar and forty cents if the action is one of which a justice of the peace has jurisdiction and the sum of four dollars if the action is one of which a justice of the peace has no jurisdiction. In addition thereto the plaintiff shall pay to the clerk of the court the sum of one dollar for each defendant to be served in the City of Greensboro, such sum to cover the fee for service by a police officer of the City of Greensboro.

No prosecution bond required.

Deposit fees.

"SEC. 42. Summons.

Summons.

Issuance
and direction.

a. Issuance; Direction. Every summons shall be issued in the name of the State of North Carolina by the clerk or assistant clerk of the Municipal Court, or in the name of the Clerk by a deputy, and shall be directed to the sheriff or other lawful officer of Guilford County.

Statement of
cause of action.

b. Statement of Cause of Action. Every summons shall state briefly the nature of the cause of action in which the same is issued and the amount sought to be recovered. No action shall be dismissed for failure of the summons to state the cause of action sufficiently, but the judge may in such case, as provided in section forty-four of this act, require the plaintiff to file a written pleading.

Time of trial.

c. Time of Trial. Every summons shall direct the defendant or defendants to appear for trial at the first convening of court on the day and at the place named in the summons. If the defendant lives in the city, if an individual, or has a place of business in the city, if a corporation, or if all the defendants, if more than one, live or have a place of business in the city, the day fixed for the trial shall be not less than one and not more than ten days after the date of the summons. If any one of the defendants lives outside the city, or, if a corporation, has no place of business in the city, the day fixed for the trial shall be not less than five and not more than fifteen days after the date of the summons.

Time allowed.

Court seal.

d. Seal. Every summons or other process to be served or executed outside of Guilford County shall be sealed with the seal of said court, but no summons or other process to be served within Guilford County need be so sealed.

Service
by publication.

e. Except that the service of summons by publication in any case of which said court has jurisdiction shall be as is prescribed for courts of justices of the peace, the summons shall be served as is now or may hereafter be prescribed by law for the service of summons issuing from the Superior Court. In every case the officer serving a summons shall, immediately after such service, and not less than one day before the date fixed therein for trial, return it to the clerk of said court. If the summons is not served on any one or more of the defendants not later than the day preceding the day fixed in the summons for trial, or by the end of ten days when the time fixed for trial is more than ten days from the date of the summons, the summons shall immediately be returned by the officer having the same for service with a notation thereon showing why it was not served on such defendant or defendants. Upon the return of any summons to said court the clerk shall report to the attorney for the plaintiff, if the name of such attorney appears on the summons, the date of service, on each defendant, or if service was not obtained on any defendant, the reason therefor; but failure

Personal
service.

Return
by officer.

of the clerk to make such report shall not invalidate the service of the summons.

f. Alias and Pluries Summons. An alias or pluries summons may be issued as is now or may hereafter be prescribed by law for the issuance of alias or pluries summons from the Superior Court.

Alias or
pluries
summons.

"SEC. 43. Appointment of Next Friend or Guardian Ad Litem. The judge of the Civil Division or the clerk of said court may appoint next friends or guardians ad litem as is now or may hereafter be prescribed by law for the appointment of next friends or guardians ad litem in the Superior Court.

Appointment
of next friend
or guardian
ad litem.

"SEC. 44. Pleadings. Unless ordered by the judge it shall not be necessary to file written pleadings in any action instituted in said court. In any case where the judge deems it proper he may, upon his own motion or upon application by any party or his attorney, and without notice to any other party, require any plaintiff or defendant to file written pleadings. And in such case the judge shall fix the time when such pleadings shall be filed and shall also fix the date and hour for the trial and the clerk shall notify the parties and their attorneys thereof; *Provided*, that no written pleading shall be required in any case within the jurisdiction of a justice of the peace.

Pleadings
not required
unless ordered
by judge.

"SEC. 45. Trial. The judge herein provided for the Civil Division of said court shall hear and determine all civil actions instituted in said court, or removed to said court, and there shall be no trial by jury in said court.

No trial
by jury for
civil division.

"SEC. 46. Costs Taxed. In every case disposed of by the Civil Division of said court costs shall be taxed, except as provided by section fifty-three of this act, as follows:

Taxing of costs.

a. In cases whereof a justice of the peace has jurisdiction, the same fees as are now prescribed for courts of justices of the peace by Chapter one hundred and twenty-nine, Public-Local and Private Laws, nineteen hundred and nineteen.

Fees in certain
cases.

b. In cases whereof a justice of the peace has no jurisdiction, the same fees as are now prescribed for courts of justices of the peace by Chapter one hundred and twenty-nine, Public-Local and Private Laws, nineteen hundred and nineteen, except that the fee for trial and judgment shall be three dollars and sixty cents.

Other fees.

Every return to a notice of appeal shall show therein the costs taxed in said court, and upon the final determination of said appeal the clerk of the Superior Court shall include said costs in the costs taxed in that court.

Costs on
appeal.

"SEC. 47. Maintenance of Court; Disposition of Costs. The cost of maintaining said court shall be paid by the City Council of the City of Greensboro out of the public funds of said city. All costs collected by the Civil Division of the Municipal Court, except such as are repaid to parties recovering costs or are paid

Expense of
maintaining
court.

Application
of costs.

to officers entitled to the same as fees, shall be paid by the clerk of the court to the treasurer of the City of Greensboro. So much of said costs as may be necessary shall be expended by the City Council of the City of Greensboro for the maintenance of the Civil Division of said court, and the city treasurer or other proper city official shall keep a separate account showing all funds received from and expended for said Civil Division; *Provided*, that the City Council shall not be required to expend for the maintenance of said Civil Division any sum in excess of the revenues derived therefrom.

Transcripts of judgments. "SEC. 48. Docketing Judgments in Superior Court; Execution Only from Superior Court. A transcript of any judgment rendered in said court may be docketed in the office of the clerk of the Superior Court of Guilford County, and when so docketed shall become a judgment of the Superior Court. No execution upon any judgment rendered in the Municipal Court shall be issued except from the Superior Court.

Executions. "SEC. 49. Appeal to Superior Court. From any judgment rendered in said court any party may appeal to the Superior Court of Guilford County, where the trial shall be *de novo*.

Appeal to Superior Court. "SEC. 50. Procedure With Respect to Appeal; Trial Upon Appeal. The giving of notice of the appeal, the return to the notice of appeal, the cash deposit, and the perfecting of the appeal shall be as is now or may hereafter be prescribed by law for appeals from courts of justices of the peace to the Superior Court. When the return is made the clerk of the Superior Court of Guilford County shall docket the case on his trial docket for a new trial of the whole matter at the ensuing term of said court as is provided by section six hundred and sixty-one of the Consolidated Statutes of North Carolina.

Appeal procedure. "SEC. 51. Removal of Causes. Every civil action, matter or proceeding of any kind brought in a court of a justice of the peace within the City of Greensboro, shall, upon motion or request of any defendant thereto, or his attorney, made before the introduction of evidence, be removed for trial to the Municipal Court. With every such order of removal the justice of the peace making the same shall transmit to the Municipal Court an itemized bill showing the costs already accrued in said cause. Such cause when so removed shall stand for trial in the Municipal Court on the next following day, but shall be entitled to no preference over other causes set for trial that day. No cause shall be removed for trial from the Municipal Court to any other court in Guilford County.

Docketing of appeal in Superior Court. "SEC. 52. Service of Process Other Than Summons; Fees. All process of any kind other than summons issuing from the Municipal Court shall be served as is now provided by law for process issuing from the Superior Court. The fees for the issuance and service or execution of such process shall be the

Removal of causes from J. P.'s

Time of trial.

Service of other process than summons.

Fees.

fees prescribed by Chapter one hundred and twenty-nine, Public-Local and Private Laws, nineteen hundred and nineteen. All fees for the service of process by the chief of police shall be paid to the clerk of the court and shall be by him paid to the treasurer of the City of Greensboro.

"SEC. 53. Witnesses; Evidence; Depositions. The court shall have power to issue subpoenas for and to require the attendance of witnesses and generally to exercise the powers of the Superior Court with respect to the production of evidence. Depositions may be taken in actions pending in said court and may be used therein under the same rules as are now or may hereafter be prescribed by law for the taking and use of depositions in actions pending in the Superior Court. Witnesses shall receive compensation at the rate of fifty cents, but no mileage, in each case; *Provided*, that no witness shall be entitled to any witness fee unless he has been subpoenaed and unless he proves his attendance before the clerk of the Municipal Court. Every party to whom a subpoena is issued for witnesses shall pay to the clerk of the court a fee of fifty cents for each witness to be subpoenaed, a fee of fifty cents to cover the cost of issuing the subpoena, and if the subpoena is to be served within the City of Greensboro an additional fee of fifty cents for each such witness, to cover the cost of service.

"SEC. 54. Procedure Generally; Continuances. Except as otherwise provided in this act, all laws relative to civil actions, matters and proceedings in courts of justices of the peace, including all laws relative to process, rules of practice, procedure, orders, writs, decrees, judgments and appeals, but excluding none of such laws not specifically mentioned, shall be applicable to the Civil Division of the Municipal Court in the exercise of its jurisdiction as the same is set forth in this act. There shall, however, be no limitation as to the length of time for which a continuance may be granted.

"SEC. 55. Rules of Court. The judge of the Civil Division shall have full power to regulate by rules of court all matters of practice not herein provided for. All rules of court made by authority of this section shall from time to time be printed and made available for distribution to the members of the bar and the public.

"SEC. 56. Records. The board of county commissioners of Guilford County shall not be required to furnish for said court any dockets, nor shall the minute dockets of said court or any other record or information as to the proceedings therein be required to be filed in the office of the clerk of the Superior Court of Guilford County. The clerk of said Municipal Court shall keep such minutes of the proceedings of the Civil Division as are now prescribed for justices of the peace, and such minutes shall be retained and filed in the office of said clerk. It shall be the

Subpoena
of witnesses.

Depositions.

Compensation
of witnesses.

Payment of
fees for.

Other procedure.

Continuances.

Rules of Court.

Court records.

Minutes.

duty of the clerk of said court to keep all other such records as may be proper, and it shall be the duty of the judge of the Civil Division of said court to see that such records are kept and, where the same are not sufficiently prescribed by law, to prescribe the nature and form thereof."

Law again amended.

SEC. 2. That section three of Chapter six hundred and fifty-one, Public Laws, nineteen hundred and nine, as amended, be further amended by striking out the first sentence of said section and inserting in lieu thereof the following:

Appointment of judge of criminal division.

"Judge of Criminal Division. In the year nineteen hundred and thirty-one, at the expiration of the term of the judge appointed in nineteen hundred and twenty-nine, the judge of said court shall be appointed by the City Council of the City of Greensboro to serve until December thirty-first, nineteen hundred and thirty-one. During the month of December nineteen hundred and thirty-one and during the same month each second year thereafter said City Council shall appoint for a two-year term a judge of said court, whose term of office shall begin on the first day of January next following his appointment."

Term of office.

Law again amended.

SEC. 3. That section sixteen of Chapter six hundred and fifty-one, Public Laws, nineteen hundred and nine, as amended, be further amended by striking out the first sentence of said section and inserting in lieu thereof the following:

Appointment of judge pro tem.

"Judge Pro Tem. In the year nineteen hundred and thirty-one, at the expiration of the term of the present substitute judge, the City Council of the City of Greensboro shall appoint a judge pro tem of said court to serve until December thirty-first nineteen hundred and thirty-one. During the month of December, nineteen hundred and thirty-one, and each second year thereafter said City Council shall appoint for a two-year term a judge pro tem of said court whose term of office shall begin on the first day of January next following his appointment. Such person appointed shall be a resident of the City of Greensboro and a licensed attorney at law. When the judge of said court is prevented from attending to his duties on account of sickness or other disability or by absence from the City of Greensboro, the judge pro tem shall preside over said court."

Term of office.

Qualifications.

Law again amended.

SEC. 4. That section eighteen of Chapter six hundred and fifty-one, Public Laws, nineteen hundred and nine, be amended by striking out the first sentence of said section and inserting in lieu thereof the following:

Appointment of clerk.

"Clerk. In the year nineteen hundred and thirty-one, at the expiration of the term of the present clerk, the City Council of the City of Greensboro shall appoint a clerk of the Municipal Court to serve until December thirty-first, nineteen hundred and thirty-one. During the month of December nineteen hundred and thirty-one and each second year thereafter said City Council shall appoint for a two-year term a clerk of said court whose

Term of office.

term of office shall begin on the first day of January next following his appointment."

SEC. 5. That section nineteen of Chapter six hundred and fifty-one, Public Laws, nineteen hundred and nine, as amended, be further amended by adding at the end of said section the following:

Law again amended.

"In the year nineteen hundred and thirty-one at the expiration of the term of the present prosecuting attorney, the City Council of the City of Greensboro shall appoint a prosecuting attorney for said court to serve until December thirty-first, nineteen hundred and thirty-one. During the month of December nineteen hundred and thirty-one and each second year thereafter said City Council shall appoint for a two-year term a clerk of said court whose term of office shall begin on the first day of January next following his appointment."

Appointment of prosecuting attorney.

SEC. 6. That section twenty-seven of Chapter six hundred and fifty-one, Public Laws, nineteen hundred and nine, be and the same is hereby repealed.

Law again amended.

SEC. 7. That section twenty-eight of Chapter six hundred and fifty-one, Public Laws, nineteen hundred and nine, be and the same is hereby amended by striking out of said section the words "issued by the judge thereof or sent up by any magistrate, as hereinbefore provided."

Law again amended.

SEC. 8. That if any part of this act shall be declared unconstitutional or invalid the remainder of the act shall nevertheless remain in full force and effect.

Constitutional parts of Act upheld.

SEC. 9. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed to the extent of such conflict.

Conflicting laws repealed.

SEC. 10. That this act shall become effective upon its ratification.

Ratified this the 1st day of April, A.D., 1931.

CHAPTER 127

AN ACT TO ALLOW THE BOARD OF COMMISSIONERS OF THE TOWN OF WELDON, HALIFAX COUNTY, TO AID IN REOPENING THE BANK OF WELDON, WELDON, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Commissioners of the Town of Weldon, Weldon, North Carolina, be and it is hereby authorized in its discretion to enter into a contract with the Bank of Weldon, Weldon, North Carolina, in the event that said bank is permitted to reopen by the Corporation Commission, whereby the funds of said Town of Weldon on deposit in said bank at the time of its suspension of business may remain in said

Commissioners of Weldon authorized to aid in re-opening Bank of Weldon by freezing deposits.

bank and not be withdrawn, except at certain said times and intervals to be mutually agreed upon by and between the Board of Directors of said bank and said Board of Commissioners.

Collateral
to be retained.

SEC. 2. That the Board of Commissioners of the Town of Weldon shall retain any collateral, guaranty or both it now holds securing deposits in said bank at the time of its suspension: *Provided*, however, that as such collateral is collected by said Board of Commissioners that the amount or amounts so collected shall be credited against the deposits for which said collateral was given as security; and that nothing in this act shall relieve said bank or any guarantors upon any bond or contract heretofore executed to guarantee the deposits heretofore placed in said bank, nor shall it relieve said bank from its duty to allow withdrawals of deposits in accordance with the terms and conditions of any contract entered into pursuant to the provisions of this act.

Collection and
application of
collateral.

Guarantors
not relieved.

Conflicting laws
repealed.

SEC. 3. That all laws and clauses of laws in conflict herewith are hereby repealed.

SEC. 4. This act shall be in full force and effect from and after its ratification.

Ratified this the 1st day of April, A.D., 1931.

CHAPTER 128

AN ACT TO AMEND CHAPTER TWO HUNDRED SEVEN PRIVATE LAWS OF ONE THOUSAND EIGHT HUNDRED NINETY-SEVEN RELATING TO THE CHARTER OF THE EASTERN BAND OF CHEROKEE INDIANS.

The General Assembly of North Carolina do enact:

Ch. 207, Private
Laws 1897,
amended.

Corporate
officers of
Eastern Band
of Cherokee
Indians.

SECTION 1. That Chapter two hundred seven of the Private Laws of one thousand eight hundred ninety-seven be amended as follows: By striking out section one thereof, and inserting in lieu thereof the following: "Section one. That the officers of said corporation shall consist of a Principal Chief, Assistant (or vice) Chief, and for the present six members of Council, as follows: From Yellow Hill settlement in Swain, one member; from Big Cove settlement in Swain, one member; from Birdtown settlement in Swain and Jackson, one member; from Wolfstown settlement, Jackson County, one member; from Painttown settlement, Jackson County, one member; from Cheoah settlement, Graham County, one member; also a secretary, interpreter, marshal of the band and other officers as hereinafter provided."

Law again
amended.

SEC. 2. That section two be amended by inserting in line three between the word "male" and the word "member" the words, "and female." Further amend said section in line four after the word "years" and before the word "and" by insert-

ing the following, "and who has been a resident for ninety days next preceding the date of an election in the district in which he or she votes."

SEC. 3. Amend section six by striking out the word "three" in line two and inserting in lieu thereof the word "one" and in line three by striking out the word "associates" and inserting in lieu thereof the word "associate."

Law again amended.

SEC. 4. Amend section seventeen of said act by striking out the words and figures "one-fourth ($\frac{1}{4}$)" in line three and inserting in lieu thereof the words and figures "one-half ($\frac{1}{2}$)."

Law again amended.

SEC. 5. That all laws and clauses of laws in conflict with this act be, and the same are hereby repealed.

Conflicting laws repealed.

SEC. 6. That this act shall be in full force and effect from and after its ratification.

Ratified this the 1st day of April, A.D., 1931.

CHAPTER 129

AN ACT TO INCORPORATE THE THOMPSON SCHOOL ALUMNI ASSOCIATION OF SILER CITY, CHATHAM COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That for the purpose of preserving the history and traditions of the Thompson School of Siler City, North Carolina, and for the further purpose of erecting a suitable monument or memorial to the late Professor J. A. W. Thompson, the worthy principal of said school, the following named former students of such institution, and such others as may be associated with them, to-wit: L. L. Wrenn, Walter D. Siler, V. M. Dorsett, W. S. Durham, Wade H. Hadley, C. N. Bray, John C. Lane, R. W. Dark, M. M. Fox, W. S. Edwards, Junius Wrenn, N. B. Bray and J. A. Dark be and they are hereby declared a body politic and corporate by the name and style of THE THOMPSON SCHOOL ALUMNI ASSOCIATION, and by that name may sue and be sued, plead and be impleaded, contract and be contracted with, acquire by gift, purchase or otherwise real and personal property and have such other powers and privileges as are incident to corporations created under the laws of the State, not inconsistent with the purposes of this act.

Thompson School Alumni Association, Siler City, incorporated.

Memorial to late principal of school.

Incorporators named.

Corporate powers.

SEC. 2. That the said association shall be located in the Town of Siler City, Chatham County, North Carolina, and the corporate powers of the association shall be vested in a board of managers to consist of not less than twelve persons. The said association shall meet annually, and at each annual meeting shall elect a President, Vice-President, Secretary and Treasurer to serve for a term of one year each.

Location.

Board of Managers.

Officers.

Property rights.

SEC. 3. That said association shall have power to receive subscriptions, either in money or property, real, personal or mixed, by donation or otherwise, and such subscriptions shall be faithfully applied to the purposes of the monument or memorial herein provided for.

SEC. 4. That this act shall be in force from and after its ratification.

Ratified this the 7th day of April, A.D., 1931.

CHAPTER 130

AN ACT TO VALIDATE CERTAIN BONDS AND NOTES OF THE TOWN OF LAURINBURG.

The General Assembly of North Carolina do enact:

Validation of certain bonds and notes for necessary expenses in Laurinburg. Enumerated.

SECTION 1. There are hereby validated and declared to be the valid and binding obligations of the Town of Laurinburg the following bonds and notes of said town, namely, thirty-seven thousand, five hundred (\$37,500.00) dollar Refunding Bonds maturing on or about April first, one thousand nine hundred and thirty-one, a five thousand (\$5,000.00) dollar note maturing January seventeenth, one thousand nine hundred and thirty-one, a three thousand, eight hundred and forty-three (\$3,843.00) dollar note maturing January nineteenth, one thousand nine hundred and thirty-one, a seven thousand (\$7,000.00) dollar note maturing April eighth, one thousand nine hundred and thirty-one, a five thousand (\$5,000.00) dollar note maturing April eighth, one thousand nine hundred and thirty-one, and two four thousand (\$4,000.00) dollar notes maturing April thirtieth, one thousand nine hundred and thirty-one, all of said bonds and notes having been issued to secure funds for necessary expenses of said town.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 7th day of April, A.D., 1931.

CHAPTER 131

AN ACT RELATING TO SPECIAL ASSESSMENTS LEVIED BY THE CITY OF HIGH POINT.

The General Assembly of North Carolina do enact:

Extension of time for payment of special assessments in High Point authorized.

SECTION 1. The time for payment of any or all special assessments or installments of special assessments heretofore levied by the City of High Point for local improvements, together with all or any part of the interest accrued therein, may

be extended by resolution of the City Council of said city adopted before September first, one thousand nine hundred and thirty-one, upon such terms and conditions as may be prescribed by such resolution, so that such special assessments, installments and interest shall become due and payable in not more than ten equal annual installments, payable in each year on the same date that taxes for the year are payable, beginning in the year one thousand nine hundred and thirty-one with interest as provided by law, *Provided, however*, first, that such extension shall not prevent the payment of any assessment or interest at any time, and *Provided, second*, that all assessments contained in the same assessment roll shall be extended without discrimination in favor of or against any property, except that assessments in arrears may be extended without extending assessments not in arrears, and *Provided, third*, that assessments contained in the same assessment roll shall not be extended to a date more than eighteen years after the confirmation of the assessment roll and *Provided, fourth*, that in the event that said city shall be in default for more than thirty days in the payment of principal or interest of any valid bond payable out of special assessments so extended, such special assessments shall be due and payable without regard to any resolution adopted under this act for the extension of the same, and such resolution shall have no force or effect.

SEC. 2. It shall be the duty of the City Council of the City of High Point to cause actions to be instituted in the Superior Court not later than September first, one thousand nine hundred and thirty-one, and thereafter not later than the first day of June in each fiscal year beginning June first, one thousand nine hundred and thirty-two, to enforce the collection of all special assessments (including interest thereon) for local improvements due more than sixty days prior to such dates, respectively, and not extended as provided for by law, through the city attorney or attorneys designated therefor by the City Council. Such action shall be prosecuted in the manner and under the conditions in which mortgages are foreclosed under the laws of the State: *Provided*, that it shall be lawful to join in one action the collection of assessments of any or all property assessed by virtue of the same assessment roll. The court shall allow a reasonable attorney's fee for the attorney or attorneys of the city and the same shall be collectible as a part of or in addition to the costs of the action. At any sale pursuant to decree in any such action, the city may be a bidder to the same extent as an individual person or corporation, except that the delinquent assessments due the city upon the foreclosed property shall be regarded as a payment pro tanto of the purchase price. Property so purchased by the city shall be held by it as other municipal property, and may be devoted to any public use or may be sold or disposed of.

Assessment may be paid at any time.

No discrimination allowed.

Limit of extension.

Extension invalidated where bonds past due.

Actions for enforcement of collection of assessments.

Joinder of whole assessment roll in one action.

Attorney's fees.

City may bid at sale.

Disposition of property purchased by Cit.

Assessment
validated.
Pending
litigation
unaffected.

Conflicting laws
repealed.

SEC. 3. All special assessments heretofore levied by the City of High Point for local improvements are hereby validated: *Provided*, that nothing in this act shall affect litigation pending at the time of its ratification.

SEC. 4. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 5. That this act shall be in force and effect from and after its ratification.

Ratified this the 7th day of April, A.D., 1931.

CHAPTER 132

AN ACT TO PROVIDE FOR THE APPOINTMENT OF TRUSTEES OF BEAUFORT GRADED SCHOOL.

Preamble:
Need of outside
representation
on Board of
Trustees of
Beaufort Graded
School.

Whereas, under chapter two hundred and fourteen of the Private Laws of one thousand nine hundred and nine, as amended, establishing graded schools in the Town of Beaufort, Carteret County, no provision was made for the accommodation of school children outside of said school district, and consequently no provision was made for representation of out-lying districts on the Board of Trustees; and

Whereas, since the establishing of the said Beaufort Graded School District there has been a general consolidation of schools of the county with the result that seven or more communities are now patronizing the Beaufort Graded School and furnishing approximately one-third of its students; and

Whereas, it is considered proper and desirable that a re-organization of the Board of Trustees be had to the end that proper representation be given patronizing communities on the said Board: *Now, therefore*,

The General Assembly of North Carolina do enact:

Expiration
of terms of
present
Trustees.

SECTION 1. That the terms of office of all of the members of the Board of Trustees of Beaufort Graded School (Beaufort, Carteret County) shall expire on the thirtieth day of June, one thousand nine hundred and thirty-one.

Composition
of new Board.

SEC. 2. The Board of Trustees shall consist of nine members, three of whom shall be appointed by the Board of Education of Carteret County and shall be appointed from patronizing districts or communities other than the Town of Beaufort. The appointment of one of said three members shall be for a term of two years, one for a term of four years, and one for a term of six years. The other six members of said Board of Trustees shall be appointed by the Board of Commissioners of the Town of Beaufort, shall be bona fide residents of the said Town, and two of whom shall be appointed for a term of two years, two for a term of four years, and two for a term of six years. The

Terms of office.

said trustees, upon their appointment and qualification, shall meet on the first Monday in July, one thousand nine hundred and thirty-one, and organize by electing one of their members as Chairman and one as Secretary, and they and their successors shall be a body corporate, with the duties and powers originally conferred by chapter two hundred and fourteen, Private Laws of one thousand nine hundred and nine, as amended, and not inconsistent with the provisions of this act.

Organization meeting.

SEC. 3. The appointments of the members of said Board of Trustees shall be made by Board of Education and Board of Town Commissioners as provided in section two, at their regular meeting in the month of May, one thousand nine hundred and thirty-one; and bi-ennially thereafter at the regular meeting in May vacancies occurring on the said Board shall be filled respectively by the Board of Education and the Board of Commissioners according to terms of expiration as provided in section two; *Provided, however,* that should any vacancy occur prior to the expiration of the regular term, such vacancy or unexpired term shall be filled at the next regular meeting of the Board, whose duty it shall be to fill such vacancy.

Appointment of Trustees.

Vacancy appointments.

SEC. 4. Nothing in this act shall prevent any person acting as trustee from holding any other office of profit or trust while acting as such trustee.

Trustees may hold other offices.

SEC. 5. All laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Conflicting laws repealed.

SEC. 6. This act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of April, A.D., 1931.

CHAPTER 133

AN ACT TO AUTHORIZE THE TOWN OF SANFORD TO IMPROVE ITS STREETS AND ASSESS THE COST THEREOF ON ABUTTING PROPERTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Aldermen of the Town of Sanford shall have and is hereby given, and granted full power and authority to adopt by ordinance such system of creating and laying out, altering or changing districts or sections in the Town of Sanford, North Carolina, for improvement by use of crushed rock, stone, sand, oil, asphalt, bitulithic, or other materials, or other process for the purpose so treated, to assess, and provide for equalizing the assessment of all cost and charges of such improvement upon real estate in abutting property in said Town as may be just and proper; and in order to more fully carry out the provisions of this act for street improvement, said board of aldermen shall have full power and author-

Town of Sanford authorized to improve streets.

Provision for equalizing assessments.

- Payment of cost by abutting property owners.
- Intersections to be paid for by municipality.
- Estimation before improvement of entire cost.
- Prorating of cost against abutting property.
- Estimated assessments declared lien on property.
- Collection of assessment.
- Report of town engineer upon completion of improvement.
- Contents of report.
- Determination of cost.
- Prorating cost.
- ity to pass ordinances assessing the entire cost of such improvement in said town; and it shall be incumbent upon the owners of real estate abutting on each side of the street or sidewalk, or part thereof so improved or repaired, to pay the amount so assessed for such improvement, and such cost, charges or assessment shall be a lien on all abutting property from the commencement of the work as provided for in this act: *Provided, however,* that the cost of such street improvement at intersections shall be paid by the municipality, the total costs of such improvements to be financed by borrowing money as hereinafter provided.
- SEC. 2. That in order to equalize the assessments on real estate for the purposes described herein, the board of aldermen shall before the commencement of such street work or improvement, estimate the total cost of such improvement to be made in any district created or laid out for such purpose, and shall then prorate the cost thereof on the real estate abutting thereon in proportion to the frontage on the street, or portion of street so improved, and charge to and assess upon the real estate on each side of the street upon which work is to be done, its pro rata share of the entire cost of all such improvements made under the provisions of this act.
- SEC. 3. That such assessments of estimated cost charged or assessed against abutting property, shall constitute a lien upon such abutting property from and after the date of the filing of a statement thereof by the street committee of the board of aldermen of said town in the office of the town clerk, payable and to be collected as hereinafter provided, and subject to such increase or reduction as may be necessary to make a just and equitable distribution of the actual cost of such improvement when ascertained as herein provided.
- SEC. 4. That immediately upon the completion of the work in any district created, or section laid out, for street improvement by said board of aldermen, as herein provided, the town engineer, or other person or committee of the board of aldermen in charge of such work, shall make a report in writing to said board of aldermen showing the total actual cost of such improvement throughout the entire length of said district, or section, created or laid out, with the number and description of the lots abutting on said streets or portion thereof, so improved, together with the number of feet frontage of each of said lots and the owners thereof, and said board of aldermen shall ascertain, determine, and declare the actual cost of such improvements in such district or section, and in order to equalize the assessments on real estate for the purpose of paying therefor, shall take the total cost of such improvement throughout the entire district or section, and shall then pro rate the cost thereof and assess the same against the real estate abutting on the street

therein, in proportion to the frontage on the street, or portion thereof, so improved, and charge to and assess against the real estate and each lot upon each side of the street upon which work is done, its pro rata share of the cost of such improvement: *Provided, however*, that the total cost of such street improvement in such district or section, as determined and declared by said board of aldermen, shall be final and conclusive, subject only to impeachment for fraud or collusion, with the right of appeal as herein provided. And the charge of assessment made against the abutting property under the estimated cost of such street improvement work as herein provided, shall be corrected by the addition of the difference between it and the actual cost thereof, or the deduction of such difference, accordingly as the estimated cost thereof may be less or greater than such ascertained actual cost, and as thus corrected shall constitute a lien upon abutting property as herein provided: *Provided, however*, that in case any street or part of a street laid out as a district for improvement is of such unequal width as to render the plan of equalization of assessments as set out in this act unjust to any abutting property, then and in that case the said board of aldermen are authorized to divide such district into subdivisions and to apply the rule of equalization of assessments prescribed herein to such subdivisions, instead of the entire district or section created or laid out. And said board of aldermen may make as many subdivisions of said districts or sections as may be necessary to effect a just distribution of the cost of improvements to be made in the district or section.

SEC. 5. That the board of aldermen shall cause a written notice to be served on all owners of abutting property affected by improvements as provided for by this act, at least ten days before the final assessments provided for in this act are made, which notice shall command to property owners to appear before the board of aldermen at a time and place stated therein and show cause, if any, why such assessment should not be made, which notice may be served by any policeman or constable of the Town of Sanford, or other proper officer, and proved by the return of such officer thereon endorsed. In the event the owner or owners of any such lot or lots herein referred to, be an infant, idiot, lunatic, or incompetent, then his general guardian, if he has such, shall act for him; if he has none, it shall be the duty of the Clerk of the Superior Court of Lee County, North Carolina, to appoint a guardian ad litem to act for him. Any person who shall feel aggrieved by the findings or assessments of said board of aldermen with reference to such improvements shall have the right within ten days after the findings and assessments by said board of aldermen have been filed with the clerk of the Town of Sanford, and not thereafter,

Right of appeal from assessment.

Correction of difference between estimate and actual cost.

Equalization of cost upon streets of unequal width.

Division of improvement districts into subdivisions for computation of assessment.

Notice to be served on property owners affected.

Appointment of guardians for persons non compos mentis.

Filing of objections and appeal.	to file with said clerk his objections to such findings, and appeal from the decision of said board to the next term of the Superior Court for Lee County, North Carolina, by serving a notice in writing upon the mayor and town clerk of said town of his intention to do so, specifying in said notice the grounds of his objection to said findings, and by filing within the time above prescribed for taking appeals, a written undertaking in the sum of at least one hundred dollars (\$100.00), with sufficient surety to be justified and approved by said clerk, to the effect that said appellant will pay to said town all such costs and damages as it may sustain by reason of said appeal. In such cases of appeal from the board of aldermen, the ordinance laying out or creating the improvement district or section, the action of the board with reference to the special benefits, minutes of the proceedings of said board, the objections of the property owner with reference thereto, and all other documents with reference to the same, and material to the controversy, shall constitute the case on appeal, and be certified by the Town Clerk of Sanford to the Clerk of the Superior Court of Lee County, and docketed as other civil causes for trial, and shall be tried at the next ensuing term of said Court, with leave of either party to file such pleadings as he or it may be advised. If said issues or any of them, be found in favor of the Town of Sanford, to any amount, then judgment shall be rendered for and in favor of said Town for such amount, and the amount so found together with the costs of such appeal, to be assessed and taxed as costs in other civil actions, shall be and continue a lien against the property upon which the original assessment was placed, from the date of said original assessment, and shall be paid as herein provided, and by law provided, for the collection of judgments.
Bond of \$100 required.	
What constitutes case on appeal.	
Docketing of case for trial.	
Pleadings.	
Judgment to constitute lien.	
Publication of notice of assessment.	<p>SEC. 6. That as soon as the amount assessed against such abutting property is determined in the estimated costs of such improvements in any district or section created or laid out as herein provided by said board of aldermen, the said board may cause a notice to be published once a week for two weeks in some newspaper published in the Town of Sanford, substantially in the form following:</p>
Form of notice.	<p>STREET IMPROVEMENT NOTICE</p> <p>Notice is hereby given that a street improvement district has been created as follows: (describe limits of district), for the purpose of (describe work contemplated), and that the improvement to be chargeable and assessed against abutting real estate has been estimated as to each parcel of said real estate, and a statement of the same is on file at the office of the Town Clerk.</p>
Division of assessment into semi-annual or annual payments.	<p>SEC. 7. That the assessments made and determined by the board of aldermen under the provisions of this act, against real estate for the purpose of paying the cost of such improvements,</p>

shall be due and payable in semi-annual or annual installments, to be fixed and determined by said board of aldermen over a period not to exceed five years; each installment bearing interest at a rate not exceeding six per cent from the date of final findings by said board of aldermen as herein provided, and the total assessment so made shall be and remain a lien upon said lot or parcel of land, notwithstanding any sale thereof for the purpose of enforcing the collection of any installment, until paid in full.

Maximum time.
Interest
to be charged.

SEC. 8. That the cost of making improvements at the street intersections within said Town of Sanford shall be paid by the municipality.

Municipality
to pay cost of
improving
intersections.

SEC. 9. That said Board of Aldermen shall have full power and authority to determine the width of any improvement in the exercise of its discretion, the nature and kind of surfacing materials, whether oil, asphalt, bitulithic, or other materials, to be used in said street improvements and the kind of gravel or crushed stone (if any).

Determination of
improvements
as to details.

SEC. 10. That for the purpose of defraying the cost of the improvement herein provided, the Town of Sanford is hereby authorized and empowered to borrow money from time to time, in such amount as is required to pay costs of any improvement made hereunder, and to issue notes as evidence of such indebtedness, such notes to mature in serial amounts not to exceed the period over which such assessments against abutting property for said improvements run; such indebtedness shall be liquidated by the collection of assessments made against property, as herein provided, and the portion of such assessments chargeable to the municipality hereunder to be paid from the General Funds of the Town of Sanford; and the Board of Aldermen of the Town of Sanford is hereby empowered to levy tax sufficient for the purpose of paying the principal and interest of such indebtedness against all taxable property and polls within the corporate limits of the Town of Sanford.

Town authorized
to borrow money
and issue notes
for improvements.

Liquidation
of notes.

Levy of tax
for purpose.

SEC. 11. That the powers herein enumerated, as affecting financing, shall not be deemed to be in lieu of any powers given under the Municipal Finance Act, but shall be in addition thereto, and said Board of Aldermen may finance the improvements herein provided either under the terms of this act or under the terms of the Municipal Finance Act, or both concurrently.

Act confers
additional
powers.

SEC. 12. That all laws and clauses of laws in conflict with any of the provisions of this act, except as provided in section eleven hereof, are hereby repealed.

Conflicting laws
repealed.

SEC. 13. This act shall be in force from and after its ratification.

Ratified this the 8th day of April, A.D., 1931.

CHAPTER 134

AN ACT TO AMEND HOUSE BILL FIVE HUNDRED AND NINETY-NINE, SENATE BILL FOUR HUNDRED AND FORTY-SIX, WHICH WERE BILLS AMENDING THE CHARTER OF THE TOWN OF ROANOKE RAPIDS, SO AS TO PROVIDE FOR ELECTIONS RELATING TO EXTENSION OF CORPORATE LIMITS AND MUNICIPAL OFFICERS.

The General Assembly of North Carolina do enact:

H. B. No. 599,
Private Laws
1931, amended.

SECTION 1. Amend section seven, House Bill number five hundred and ninety-nine, amending chapter fifty-three of Private Laws of one thousand eight hundred and ninety-seven, by striking out section seven of House Bill number five hundred and ninety-nine and enacting in lieu thereof the following:

First election for
municipal officers
of Roanoke
Rapids.

The first election hereunder for the purpose of electing municipal officers of the City of Roanoke Rapids shall take place on Tuesday, the seventh (7th) day of July, one thousand nine hundred and thirty-one, when a Mayor and six Commissioners shall be selected by the registered voters of the City of Roanoke Rapids, of which commissioners for their first term of office, two shall be elected for a term to expire on the first Monday in June, one thousand nine hundred and thirty-two, two for a term to expire on the first Monday in June, one thousand nine hundred and thirty-three, and two for a term to expire on the first Monday in June, one thousand nine hundred and thirty-four, and until their successors are duly elected and qualified; and thereafter upon the expiration of the terms of office of the first commissioners to be elected hereunder, all of said commissioners shall be elected for a term of three years. Thereafter the general municipal elections shall take place on the first Tuesday after the first Monday in May of each year. At such first election, there shall be elected three (3) commissioners who shall reside in the north ward of said city, one of whom shall be elected for a term to expire on the first Monday in June, one thousand nine hundred and thirty-two; one of whom shall be elected for a term to expire on the first Monday in June, one thousand nine hundred and thirty-three; and one of whom shall be elected for a term to expire on the first Monday in June, one thousand nine hundred and thirty-four, and thereafter their successors in office shall be elected for a term of three years (3) years; and three (3) commissioners who shall reside in the south ward of said city, one of whom shall be elected for a term to expire on the first Monday in June, one thousand nine hundred and thirty-two; one of whom shall be elected for a term to expire on the first Monday in June, one thousand nine hundred and thirty-three; and one of whom shall be elected for a term to expire on the first Monday in June, one thousand nine

Mayor and
6 Commissioners
to be chosen.

Terms of office.

Time of
subsequent
elections.

Terms of office.

Election
by wards.

hundred and thirty-four, and thereafter their successors in office shall be elected for a term of three (3) years. The Board of Commissioners of said city shall always be comprised of three (3) commissioners who reside in the north ward and three (3) commissioners who reside in the south ward, both with respect to elections and appointments to fill vacancies. At the first election held hereunder, a Mayor shall be elected from the city at large for a term of office to expire on the first Monday in June, one thousand nine hundred and thirty-three, and thereafter the Mayor shall be elected from the city at large for a term of two (2) years. The officers first elected hereunder shall qualify and be inducted into office on the first Monday in August, one thousand nine hundred and thirty-one, following their election, and shall continue in office for their respective terms as hereinbefore provided and until their successors have been duly elected and qualified. Their successors in office shall be inducted into office on the first Monday in June following their election and shall continue in office for their respective terms as hereinbefore provided and until their successors have been duly elected and qualified.

SEC. 2. Amend House Bill number five hundred and ninety-nine, by striking out section nine (9) of House Bill number five hundred and ninety-nine, and enacting in lieu thereof, the following: That the said election shall be held on Tuesday, the twenty-third (23rd) day of June, one thousand nine hundred and thirty-one, under the supervision of a special board of elections to be hereinafter created, and in all particulars other than provided in this act, shall be held and conducted and the qualifications of the voters determined as nearly as may be practicable in accordance with the general laws relating to the election of officers for the City of Roanoke Rapids. Any person who is entitled to register and vote in the general elections for the county of Halifax and who shall also have been a resident of the territory embraced within the limits as defined in section three of House Bill number five hundred and ninety-nine aforesaid shall be entitled to register and vote in all elections to be held hereunder. The registration books, for the wards as created and defined by said special board of elections, shall be kept open for the registration of voters for the same length of time as provided by the general laws governing municipal elections. The said special board of elections shall publish, preceding the date of election, a notice of said election once a week for four successive weeks in a newspaper published in the City of Roanoke Rapids. All voters shall vote at the voting places of the wards as designated by the special board of elections hereinafter created in which they reside. A new registration of the qualified voters of the district shall be ordered by the board of elections hereinafter created, and a notice of said new registration

Election of Mayor at first municipal election.

Term of office.

Qualification of first officers elected.

Induction of successors.

Law again amended.

Time of election on extending corporate limits.

Qualifications of voters. ✓

Opening of registration books.

Publication of notice of registration.

New registration ordered.

Publication
of notice.

Challenge day.

Law again
amended.

Law again
amended.

Listing of
property in new
corporate limits
for 1931 taxes.

Collection of
1931 taxes.

shall be deemed to be sufficiently given by publication once in newspaper published or circulating in said district at least thirty (30) days before the close of the registration books. Such published notice of registration shall state the dates on which the books will be open for registration of voters and the place or places on which they will be open on Saturday. The books of such new registration shall close on the second Saturday before the election. The Saturday before the election shall be challenge day, and except as otherwise provided in this act, such election shall be held in accordance with the same rules, laws and regulations governing the election of municipal officers in the town or City of Roanoke Rapids. If the corporate limits of the city be extended as herein provided, said registration shall be deemed to be a registration of the qualified voters of the City of Roanoke Rapids and the said registration books shall be used in all municipal elections of said city.

SEC. 3. Amend section eleven (11) of House Bill number five hundred and ninety-nine, Senate Bill number four hundred and forty-six, by striking out of sentence three of section eleven immediately after the word "the" and before the words "one thousand nine hundred and thirty-one" the words "twenty-seventh day of April" and inserting in lieu thereof the words "twenty-third day of June."

SEC. 4. Amend section twelve (12) of House Bill number five hundred and ninety-nine by striking out section twelve (12) of House Bill number five hundred and ninety-nine and enacting in lieu thereof, the following: That if the corporate limits of the City of Roanoke Rapids shall be extended as herein provided, the property outside of the present corporate limits of the Town of Roanoke Rapids and inside of the corporate limits of said city as fixed by this act, shall be listed for taxes as of and beginning with the first day of July one thousand nine hundred and thirty-one, and all residents in said territory, subject to a poll and personal property tax shall be required to list the same for the year beginning July first, one thousand nine hundred and thirty-one. It being the intent of this section that the City of Roanoke Rapids shall have power and authority to collect taxes for the year one thousand nine hundred and thirty-one upon all property real, personal and poll located within the limits described in section three of this act. That taxes shall be collected on all property owned by tax payers within said district on the first day of July, one thousand nine hundred and thirty-one, and listed accordingly. Commencing with the year one thousand nine hundred and thirty-two and subsequent thereto, all property, real, personal and poll, shall be listed for taxation and taxes collected under the general laws prescribed by the General Assembly.

SEC. 5. The municipal election for a Mayor and Commissioners of the town of Roanoke Rapids as provided for in chapter fifty-three (53) Private Laws of one thousand eight hundred and ninety-seven shall for the year one thousand nine hundred and thirty-one, be postponed until after the election to be held hereunder for the extension of the city limits and shall be held on Tuesday, the seventh (7th) day of July, one thousand nine hundred and thirty-one; it being the intent that the municipal election of officers for the Town or City of Roanoke Rapids be held on the said date for the year one thousand nine hundred and thirty-one, notwithstanding the extension or non-extension of said corporate limits of the City of Roanoke Rapids. In order that said election can be held as hereinbefore provided, the Mayor and Board of Commissioners shall cause to be published a due notice of said elections.

Postponement of first election of officers till after election on extending corporate limits.

SEC. 6. That all laws and parts of laws in conflict with this act, be and the same are hereby repealed.

Publication of notice of election.

SEC. 7. This act shall be in force from and after its ratification.

Conflicting laws repealed.

Ratified this the 8th day of April, A.D., 1931.

CHAPTER 135

AN ACT TO AMEND AN ACT TO AMEND CHAPTER EIGHTY-SIX OF THE PUBLIC LAWS OF ONE THOUSAND EIGHT HUNDRED AND EIGHTY-SEVEN RELATING TO THE DURHAM PUBLIC SCHOOL DISTRICT, ENACTED BY THE GENERAL ASSEMBLY OF ONE THOUSAND NINE HUNDRED AND THIRTY-ONE.

The General Assembly of North Carolina do enact:

SECTION 1. That an act to amend chapter eighty-six of the Public Laws of one thousand eight hundred and eighty-seven, relating to the Durham Public School District, which act was enacted by the General Assembly of one thousand nine hundred and thirty-one, be amended by striking out the period at the end of Section Nine-a, and inserting a comma in lieu thereof, and adding the following:

Ch. 86, Public Laws 1887; and H. B. No. 1123, Private Laws 1931, amended.

“Provided further, that no part of said Debt Service Fund shall be used for any other purpose than for the purpose of paying or curtailing school bonds and school bond interest, without the consent and approval of the governing body of the City of Durham.”

Application of Debt Service Fund in Durham Public School District.

SEC. 2. That all laws and clauses of laws in conflict with this act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this act shall be in full force and effect from and after its ratification.

Ratified this the 10th day of April, A.D., 1931.

CHAPTER 136

AN ACT TO PERMIT THE CITY OF WILMINGTON TO ABANDON ITS MUNICIPAL LOCKUP OR GUARDHOUSE AND TO USE THE COUNTY JAIL FOR THE CONFINEMENT OF MUNICIPAL PRISONERS.

The General Assembly of North Carolina do enact:

Wilmington prisoners to be placed in New Hanover County jail.

SECTION 1. That all prisoners arrested by the municipal authorities of the City of Wilmington and subject to confinement or incarceration in the municipal lockup or guardhouse pending a hearing before the courts of said city or county, shall be lodged in the common jail of New Hanover County, in said city.

Maintenance costs to be charged in court costs.

SEC. 2. That the costs for the maintenance of all such prisoners placed in said county jail shall be charged and collected by said county as a part of the court costs.

City authorized to abandon City jail.

SEC. 3. That the said City of Wilmington is hereby permitted and authorized to abandon the maintenance and upkeep of a municipal lockup or guardhouse.

Not relieved of other duties.

SEC. 4. That the City of Wilmington is not relieved hereby from the performance of any other duty in connection with the handling of municipal prisoners.

SEC. 5. That this act shall be in force and effect from and after its ratification.

Ratified this the 10th day of April, A.D., 1931.

CHAPTER 137

AN ACT TO VALIDATE THE ELECTION HELD IN THE CITY OF REIDSVILLE ON MARCH THIRTIETH, ONE THOUSAND NINE HUNDRED THIRTY-ONE, RELATIVE TO THE EXTENSION OF THE CORPORATE LIMITS OF SAID CITY.

Preamble: Election held in Reidsville on extension of corporate limits.

Whereas pursuant to an act of the General Assembly of North Carolina for one thousand nine hundred thirty-one entitled "An act to extend the corporate limits of the City of Reidsville, Rockingham County, North Carolina, and to provide for an election to determine this question," an election was held in said city; whereas a majority of the votes cast were for the extension of the corporate limits of the city; whereas the City Council met on the thirty-first day of March and declared the result of the election and the extension of said city limits; *Now, therefore,*

Election carried.

The General Assembly of North Carolina do enact:

Election validated in all details.

SECTION 1. That the election held in the City of Reidsville, Rockingham County, North Carolina, on March thirtieth, one thousand nine hundred thirty-one be and is hereby declared valid; that the returns of the judges and registrar and the

declaration of the result of the election by the City Council are hereby validated.

SEC. 2. That the area or territory contained within the metes and bounds as set forth in an act of the General Assembly of one thousand nine hundred thirty-one entitled "An act to extend the corporate limits of the City of Reidsville, Rockingham County, and to provide for an election to determine this question," be and is hereby declared to be the City of Reidsville, and the citizens and people residing therein are declared to be a body politic; that said area be declared the City of Reidsville and said people residing therein a body politic from and after March thirty-first, one thousand nine hundred thirty-one, the date of the declaration of the result of the election by the City Council of the City of Reidsville.

Annexed
territory
declared part of
City.

SEC. 3. If any part of this act shall be held invalid, then so much as may not be held invalid shall remain in full force and effect.

Constitutional
parts of Act
upheld.

SEC. 4. This act shall be in force from and after its ratification.

Ratified this the 10th day of April, A.D., 1931.

CHAPTER 138

AN ACT TO AUTHORIZE THE TOWN OF ELKIN TO ABANDON A CERTAIN STREET TO FACILITATE THE BUILDING OF A NEW STATE HIGHWAY BRIDGE.

The General Assembly of North Carolina do enact:

SECTION 1. That the Town of Elkin be and it is hereby authorized and empowered with the consent and joinder of the abutting property owners to convey to the State Highway Commission or its assigns that portion of Monroe Street sixty feet in width and extending from the Southern Railway right of way in a northerly direction for a distance of two hundred feet.

Conveyance of
street property to
State Highway
Commission in
Elkin
authorized.

SEC. 2. This act shall be in force from and after its ratification.

Ratified this the 13th day of April, A.D., 1931.

CHAPTER 139

AN ACT TO REGULATE JAIL FEES OF TOWN JAIL OF WOODVILLE, BERTIE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That in all criminal cases tried in Woodville Township, Bertie County, in a Magistrate's or Mayor's Court, when the defendant has been committed to jail in said Township to await trial, there shall be taxed in the bill of costs

Jail fees in
Woodville taxable
as costs.

against each defendant, upon conviction, a jail fee of one dollar to be collected as a part of the costs.

Bertie County
not chargeable
with costs.

Conflicting laws
repealed.

Nothing herein shall permit the said cost to be charged against the County upon discharge of a defendant.

SEC. 2. That all laws in conflict herewith are hereby repealed.

SEC. 3. That this act shall be in full force and effect from and after its ratification.

Ratified this the 13th day of April, A.D., 1931.

CHAPTER 140

AN ACT TO AMEND THE LAW IN CONNECTION WITH ANDREWS SCHOOL DISTRICT, CHEROKEE COUNTY.

The General Assembly of North Carolina do enact:

Board of Control
created for
Andrews School
District.

SECTION 1. That the office of trustee for Andrews School District is hereby abolished and the powers, duties and authority formerly vested in the board of five trustees shall be vested in and discharged by a board of control composed of three members for Andrews School District.

Appointments.

SEC. 2. That H. M. Whitaker, G. B. Hablitzell, and D. H. Tillett, are hereby appointed a board of control for Andrews School District and the term of office of each member shall begin upon the ratification of this act. That H. M. Whitaker shall hold office until the first day of June, one thousand nine hundred and thirty-three; G. B. Hoblitzell shall hold office until the first day of June, one thousand nine hundred and thirty-five; and D. H. Tillett shall hold office until the first day of June, one thousand nine hundred and thirty-seven, or until their successors are elected and qualify.

Oath of office.

SEC. 3. That each member of the Board of Control before taking office shall take and subscribe an oath that he will honestly and faithfully discharge the office as a member of said Board of Control to the best of his ability and knowledge.

Biennial
election of Board
members.

SEC. 4. That there shall be elected each two years after one thousand nine hundred and thirty-one one member of the Board of Control of Andrews School District and said election shall be held at the same time and place and by the same election officers as are used for the election of the Mayor and Board of Aldermen of the Town of Andrews. At said election there shall be a ballot box to be used solely for the election of a member of said board of control and said ballot box shall be so labeled; and that the judges of election and registrar and other election officials shall receive no additional compensation for holding said election other than the pay received from the Town of Andrews. The said registrar shall keep a separate registration book for those entitled to vote for said member of the board of control of said Andrews School District.

Details of
election.

Separate
registration
book.

SEC. 5. That no one shall be eligible to election as a member of said board of control who is not a resident and living within the boundaries of said Andrews School District.

Qualifications of members.

SEC. 6. That the term of office of each member of the Board of Control which are hereafter elected under the provisions of this act shall begin on the first day of June following his said election and shall continue for a period of six years from and after the first day of June following his said election.

Terms of office of members elected.

SEC. 7. That it shall be unlawful for the said Board of Control to supplement or increase or pay any Superintendent or principal or teacher employed to superintend or be principal or teach in Andrews School District any amount in excess of the rate of salary set out and stipulated by the State of North Carolina or its Department of Education for such person to receive; *Provided, however*, that the said Board of Control may in its discretion supplement the salary of the principal of Andrews High School in an amount not to exceed thirty-five dollars (\$35.00) per month, for each month taught or an amount of not to exceed three hundred and fifteen dollars (\$315.00) per school year.

Unlawful to pay salaries greater than State schedule.

Salary of principal may be supplemented.
Limit.

SEC. 8. That any person violating any of the provisions of section seven of this act shall be guilty of a misdemeanor and upon conviction thereof shall be fined or imprisoned in the discretion of the court.

Payment of higher salaries made misdemeanor.

SEC. 9. That all laws and clauses of laws in conflict with this act are hereby repealed.

Conflicting laws repealed.

SEC. 10. That this act shall be in force from and after its ratification.

Ratified this the 13th day of April, A.D., 1931.

CHAPTER 141

AN ACT TO ABOLISH THE BOARD OF WATER COMMISSIONERS OF THE CITY OF HENDERSONVILLE, SUBJECT TO APPROVAL BY THE VOTERS OF SAID CITY, AND TO AUTHORIZE THE BOARD OF COMMISSIONERS OF SAID CITY TO SELL AND DISPOSE OF THE WATER WORKS SYSTEM WITH APPROVAL OF THE VOTERS OF SAID CITY.

The General Assembly of North Carolina do enact:

SECTION 1. That subject to a vote of the majority of those voting at any regular election to be held in the City of Hendersonville, for mayor and/or commissioners, chapter one hundred and thirteen of the Private Laws of the extra session of nineteen hundred and twenty, establishing the Board of Water Commissioners of the City of Hendersonville, and all laws amendatory thereof and supplemental thereto, are hereby repealed.

Ch. 113, Private Laws ex-1920, repealed, abolishing Hendersonville Water Commissioners.

Proposition to be submitted to voters.

Ballots.

Duties devolve upon City Commissioners if proposition carries.

Sale of water works authorized, subject to action of voters.

Price and terms of sale.

Special election.

Ballots.

Publication of notice of above elections.

Canvassing of returns.

SEC. 2. That at any regular election for mayor and/or commissioners of the City of Hendersonville, there may also be submitted to the voters of said City the question as to whether the Board of Water Commissioners of said City shall be abolished as provided in section one of this act. Upon such question being submitted, there shall be provided for each voter a ballot upon which shall be printed the words "For Abolishing City Water Commission", and a ballot upon which shall be printed the words "Against Abolishing City Water Commission." If a majority of those voting on said question shall cast the ballot "For Abolishing City Water Commission," then, upon the return and canvass of the votes, section one of this act shall be in full force and effect, the Board of Commissioners of the City of Hendersonville shall from and after that time be abolished, and all property, rights, powers, privileges and duties of said Board of Water Commissioners shall forthwith vest in, be exercised by and devolve upon the mayor and commissioners of the City of Hendersonville. But if at such election a majority of those voting on said question shall cast the ballot "Against Abolishing City Water Commission," then the laws now in force relating to said Water Commission, shall be and remain in full force and effect.

SEC. 3. That if the Board of Water Commissioners of the City of Hendersonville shall be abolished as hereinbefore provided, the Board of Commissioners of the City of Hendersonville may at any time thereafter sell and dispose of the water works system of said city and any or all property connected therewith, at such price, not less than actual cost, and on such terms as they may see fit, but subject to approval of such sale by the voters of said city at any regular city election for mayor and/or commissioners thereafter, or at any special election to be called for that purpose by the Board of Commissioners of said city. At such election there shall be provided for each voter a ballot upon which shall be printed the words "For Sale of City Water Works System," and a ballot upon which shall be printed the words "Against Sale of City Water Works System." If a majority of those voting on such question shall cast the ballot "For Sale of City Water Works System," then, upon return and canvass of the votes, the Board of Commissioners of the City of Hendersonville shall have full power and authority to consummate the sale. But if at such election a majority of those voting on such question shall cast the ballot "Against Sale of City Water Works System," then no such sale shall be consummated.

SEC. 4. Notice of the elections herein provided for shall be published in the same manner as notice of a regular city election, and shall set forth the question to be voted upon, and such elections shall be held, and the votes counted, returned and can-

vassed, as nearly as may be in accordance with the laws relating to elections for mayor and commissioners in the city of Hendersonville.

SEC. 5. All laws and clauses of laws in conflict with this act are hereby repealed.

Conflicting laws repealed.

SEC. 6. This act shall be in force from and after its ratification.

Ratified this the 13th day of April, A.D., 1931.

CHAPTER 142

AN ACT TO ESTABLISH A BOXING COMMISSION FOR THE CITY OF GASTONIA.

The General Assembly of North Carolina do enact:

SECTION 1. That there is hereby created a boxing commission for the City of Gastonia, which said commission shall consist of three citizens of the City of Gastonia; and the Mayor of said city is hereby authorized and empowered to appoint the members of said boxing commission, who shall serve without compensation for a term not to exceed the term of office of the Mayor appointing said commissioners and said commissioners when appointed to the commission hereby established shall have the power and authority hereinafter set forth.

Boxing commission created for Gastonia.

Appointment of members.

SEC. 2. That the said boxing commission shall have full power and authority to make such rules and regulations as in its discretion may be at any time necessary for the proper regulation of a boxing exhibition; and shall have full power and authority to prohibit, or stop a match, or exhibition at any time, either before or after consent shall have been given for the holding of such match or boxing exhibition.

Rules and regulations for staging boxing matches.

SEC. 3. That it shall be lawful to engage in, manage, or promote a boxing exhibition in the City of Gastonia which does not exceed fifteen rounds in length, *Provided* said match or boxing exhibition has the consent and approval of the boxing commission.

Lawful to stage matches with consent of commission.

SEC. 4. That any person firm, or corporation, who shall be guilty of engaging in, promoting, managing, aiding, or abetting any match, or boxing commission without first having the written consent of said commission; and any person, firm or corporation violating any of the rules and regulations of said commission, or refusing to obey the orders of said commission, shall be guilty of a misdemeanor, and shall be fined not exceeding fifty dollars, or imprisoned not exceeding thirty days.

Violation of Act made misdemeanor.

Punishment.

SEC. 5. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Conflicting laws repealed.

SEC. 6. That this act shall be in full force and effect from and after its ratification.

Ratified this the 13th day of April, A.D., 1931.

CHAPTER 143

AN ACT TO AMEND SENATE BILL NUMBER THREE HUNDRED AND NINETY-FIVE, ENTITLED, "AN ACT TO INCORPORATE THE CITY OF ASHEVILLE, TO DEFINE ITS CORPORATE LIMITS, TO PROVIDE FOR ITS GOVERNMENT AND FOR OTHER PURPOSES."

The General Assembly of North Carolina do enact:

S. B. No. 395,
Private Laws
1931, amended,
Charter of City of
Asheville.

SECTION 1. That section one hundred and two of Senate Bill number three hundred and ninety-five, entitled, "An Act to incorporate the City of Asheville, to define its corporate limits, provide for its Government, and for other purposes," be amended by striking out the word "twenty" where it occurs in said section, and inserting in place thereof the word "ten."

Law again
amended.

SEC. 2. That section seventy-two of said Senate Bill number three hundred and ninety-five be amended by striking out the word "five" where it occurs in said section, and inserting in place thereof the word "four" and by striking out that portion of said section reading as follows: "*Provided, however,* in the primary election held in one thousand nine hundred thirty-one the last day for filing statement of candidacy shall not be earlier than seven days after the declaration of result of the referendum on the adoption of this act hereinafter provided, nothing to the contrary in this article withstanding."

Filing of candida-
cies for 1931 pri-
mary.

New section
added.

SEC. 3. That there be added to said Senate Bill number three hundred and ninety-five a new section to be known as section one hundred and one (a) (101-a), reading as follows: "Each member of the council shall receive a salary of three hundred dollars per year, payable monthly, and the council may by resolution grant to the mayor additional salary, *provided*, that the total compensation of the mayor shall in no event exceed twelve hundred dollars per year. The salary of the manager and of all other officers and employees in the executive and administrative service of the city shall be fixed by the council."

Salary of Council
members, \$300
each.
Mayor, \$1200.

Other salaries to
be fixed.

SEC. 4. This act shall be in full force and effect from and after its ratification.

Ratified this the 15th day of April, A.D. 1931.

CHAPTER 144

AN ACT TO AMEND CHAPTER ONE HUNDRED ELEVEN, PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED TWENTY-ONE, RELATING TO HOLDING ELECTIONS IN THE TOWN OF JONESVILLE, YADKIN COUNTY.

The General Assembly of North Carolina do enact:

Ch. 111, Private
Laws 1921,
amended, relative
to elections in
Jonesville.

SECTION 1. That Section two, Private Laws of one thousand nine hundred twenty-one, Chapter one hundred eleven, be

amended by striking out in Section two, in line three, the word "annually" and inserting in lieu thereof the word "biennially."

SEC. 2. That the term of office of the present Mayor and Board of Commissioners of the Town of Jonesville shall be and is hereby extended until the first Monday in May, one thousand nine hundred thirty-two.

Terms of present officers.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Conflicting laws repealed.

SEC. 4. That this act shall be in full force and effect from and after its ratification.

Ratified this the 16th day of April, A.D. 1931.

CHAPTER 145

AN ACT TO AMEND CHAPTER ONE HUNDRED TWENTY-THREE, PRIVATE LAWS ONE THOUSAND NINE HUNDRED TWENTY-SEVEN, RELATING TO SALARIES OF CERTAIN OFFICIALS OF THE CITY OF ASHEVILLE.

The General Assembly of North Carolina do enact:

SECTION 1. That section two of Chapter one hundred twenty-three, Private laws of one thousand nine hundred twenty-seven, be and the same hereby is repealed.

Ch. 123, Private Laws 1927, amended.

SEC. 2. That section seven of Chapter one hundred twenty-three, Private Laws one thousand nine hundred twenty-seven, be amended by striking out the words "seven thousand five hundred" in line three and insert in lieu thereof the words "five thousand" and by striking out the figures "\$7,500.00" in line four and inserting in lieu thereof the figures "\$5,000.00"; by striking out the words "six thousand" in line five of said section and inserting in lieu thereof the words "forty-five hundred" and by striking out the figures "\$6,000.00" in line six and inserting in lieu thereof the figures "\$4,500.00"; by striking out the words "six hundred" in line seven and by striking out the figures "\$3,600.00" in line eight and inserting in lieu thereof the figures "\$3,000.00"; by striking out the words "twenty-four" in line nine of said section and inserting in lieu thereof the word "eighteen" and by striking out the figures "\$2,400.00" in said line and inserting in lieu thereof "\$1,800.00."

Reduction of certain salaries of officials of Asheville.

SEC. 3. That all laws in conflict with this act be and the same are hereby repealed; *Provided* this act shall not repeal or amend any part of S. B. three hundred ninety-five ratified March thirtieth, one thousand nine hundred thirty-one, entitled "An Act to Incorporate the City of Asheville, to Define its Corporate Limits, to Provide for its Government and for other

Conflicting laws repealed.
Certain laws preserved.

Effective June 1,
1931.

Purposes." *Provided further* this act shall be in force and effect after June first, one thousand nine hundred thirty-one, in the event the public officials mentioned in said Chapter one hundred twenty-three, Private Laws one thousand nine hundred and twenty-seven, are on said date, and thereafter holding office in said City of Asheville.

Ratified this the 17th day of April, A.D. 1931.

CHAPTER 146

AN ACT TO REPEAL SUB-SECTION TEN OF SECTION THIRTY-EIGHT OF CHAPTER THREE HUNDRED EIGHTY OF THE PRIVATE LAWS OF NORTH CAROLINA, SESSION ONE THOUSAND NINE HUNDRED FIFTEEN.

The General Assembly of North Carolina do enact:

Ch. 380, Private
Laws 1915,
amended, relative
to charter of San-
ford.

SECTION 1. That sub-section ten of section thirty-eight of chapter three hundred eighty of the Private Laws of the General Assembly of North Carolina, session one thousand nine hundred fifteen, be and the same is hereby repealed.

SEC. 2. That this act shall be in full force and effect from and after its ratification.

Ratified this the 20th day April, A.D. 1931.

CHAPTER 147

AN ACT TO VALIDATE CERTAIN BONDS AND NOTES OF THE TOWN OF LAURINBURG.

The General Assembly of North Carolina do enact:

Certain bonds and
notes validated in
Laurinburg.

SECTION 1. There are hereby validated and declared to be the valid and binding obligations of the Town of Laurinburg the following bonds and notes of said town, namely, thirty-seven thousand, five hundred (\$37,500.00) dollar Refunding Bonds maturing on or about April first, one thousand nine hundred and thirty-one, a five thousand (\$5,000.00) dollar note maturing January seventeenth, one thousand nine hundred and thirty-one, a three thousand, eight hundred and forty-three (\$3,843.00) dollar note maturing January nineteenth, one thousand nine hundred and thirty-one, a seven thousand (\$7,000.00) dollar note maturing April eighth, one thousand nine hundred and thirty-one, a five thousand (\$5,000.00) dollar note maturing April eighth, one thousand nine hundred and thirty-one, and two four thousand (\$4,000.00) dollar notes maturing April thirteenth, one thousand nine hundred and thirty-one, all of

said bonds and notes having been issued to secure funds for necessary expenses of said town.

Issued for necessary expense.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 20th day of April, 1931.

CHAPTER 148

AN ACT TO AMEND THE CHARTER OF THE TOWN OF MT. PLEASANT.

The General Assembly of North Carolina do enact:

SECTION 1. That the regular election for Mayor and five Commissioners of the Town of Mt. Pleasant shall next be held on the first Monday in May, one thousand nine hundred and thirty-two, and every two years thereafter.

Time of municipal elections in Mt. Pleasant.

SEC. 2. That the present Mayor and five Commissioners now in office in the Town of Mt. Pleasant shall hold over until the next regular election on the first Monday in May, one thousand nine hundred and thirty-two, or until their successors shall be duly elected and qualified.

Present officers hold over till next election.

SEC. 3. That this amendment shall be effective upon ratification.

Ratified this the 20th day of April, A.D. 1931.

CHAPTER 149

AN ACT PROVIDING FOR THE APPOINTMENT OF A SCHOOL BOARD FOR THE ASHEVILLE LOCAL TAX SCHOOL DISTRICT AND DEFINING ITS POWERS AND DUTIES.

The General Assembly of North Carolina do enact:

SECTION 1. That section ten, chapter two hundred and five, Private Laws of the General Assembly of one thousand nine hundred and twenty-nine, entitled "An Act to extend the corporate limits of the City of Asheville," be and it is hereby re-enacted and declared to be in full force and effect as modified in this Act.

Ch. 205, Private Laws 1929, amended.

SEC. 2. That the Asheville Local Tax School District as set out in section ten, chapter two hundred and five of the Private Laws of one thousand nine hundred and twenty-nine be and remain as a local tax district known and designated as the "Asheville Local Tax School District" and its lines and boundaries shall be and remain the same as now existing according

Asheville Local Tax School District.

- to law and more particularly described and set out in section three, chapter sixteen of the Private Laws of the General Assembly passed at its session in one thousand nine hundred and twenty-three, being the exact limits and boundaries of the City of Asheville prior to the extension thereof at the session of the General Assembly in one thousand nine hundred and twenty-nine.
- Limits and boundaries.** ✓
- Creation of Asheville School Board.** SEC. 3. That said Asheville Local Tax School District shall have a Board of Committeemen known and designated as the "Asheville School Board" composed of seven members, and Vance Brown, W. B. Schorr, Mrs. R. A. Little, Mrs. Eugene Gudger and R. H. McDuffie, George F. Baier, and Julius Martin be and they are hereby appointed as members of said Asheville School Board, whose term of office shall begin on the first Monday in April, one thousand nine hundred and thirty-one, and they shall hold office as such until their successors are elected or appointed and qualified as hereinafter provided.
- Personnel.**
- Term of office.**
- Control over school property.** SEC. 4. That said Asheville School Board shall have the control and custody of all the school buildings located in the Asheville Local School District with power and authority to repair the buildings, make additions to and alterations thereof, replace or erect new buildings if the funds are available, and otherwise care for the property and employ and fix the compensation of all the employees that are necessary for the proper maintenance, repair and care of said school buildings and school property.
- Acquisition of additional school property.** SEC. 5. If at any time said Board believes it is for the best interest and welfare of the schools of said District that additional property shall be acquired for the proper conduct of any of the existing schools in said District or that property shall be purchased or otherwise acquired for the erection of new school buildings, then a resolution to that effect may be adopted by said Board and certified to the County Board of Education. Upon the receipt of said resolution the County Board of Education shall proceed to comply therewith in the way and manner provided by law.
- Election of school superintendent.** SEC. 6. That said Asheville School Board shall elect a competent, skilled and expert superintendent of the schools of said District for a period not exceeding four years, and said superintendent of schools during his, or her term of office shall devote his, or her, time and attention exclusively to the management and control of the schools located in said District. Said superintendent shall have the immediate and direct control over all the teachers and other employees of said school system and shall be directly responsible for the efficiency and good management of said schools, and shall meet with the School Board at its regular meeting and make a report, oral or written, as
- Control over teachers and other employees.**
- Meeting with Board. Reports.**

required by said Board, of the work and conduct of said schools together with any recommendations that he, or she may have in regard to the conduct and management thereof; that said superintendent of schools shall be subject to removal from office by said Board for inefficiency or other cause satisfactory to said Board, and such action shall not be subject to appeal.

Removal.

SEC. 7. Said School Board shall, from time to time, as it is necessary elect teachers and employees for the proper conduct of said schools, said teachers so elected to be recommended by the Superintendent of Schools and from a list of such recommendations the said Board shall select the necessary number of teachers and employees. In making said recommendations the Superintendent of Schools shall consider primarily the ability, education, character and efficiency of the persons so recommended and such qualifications shall guide the Superintendent's actions in making said recommendations. If, however, the said Board is unable or refuses to elect from said list of recommendations it shall request the Superintendent, and it shall be his, or her duty to furnish other names. Said Board shall fix the compensation of all teachers and other employees so elected and shall provide by resolution the requirements necessary for the teacher to have to teach in said schools and shall fix the term of their employment in the discretion of the Board. Any teacher or other employee may be removed for inefficiency or other cause satisfactory to said Board at any regular meeting thereof and from the action of said Board there shall be no appeal.

Election of teachers and employees by Board.

Qualifications of teachers.

Compensation of teachers and other employees.

Removal.

SEC. 8. Said School Board shall each year prepare and transmit to the Board of Financial Control if established by law, or otherwise to the Board of County Commissioners, a budget requirement for the next fiscal year for the operation and maintenance of the schools of said district, showing the allocation of the different funds as now required by the school laws of North Carolina. The Superintendent of Schools elected by said board shall be ex-officio secretary thereof and shall keep the minutes, records, financial and otherwise, and correspondence of said Board and as such prepare a tentative budget as above required subject to the approval and adoption by the Board.

Submission by School Board of budget.

Preparation by superintendent.

SEC. 9. Persons attending schools in said district shall be bona fide residents thereof and said School Board shall be the exclusive judge of the residence of any person applying for entrance into said schools. However, the School Board may admit non-residents into its schools under such terms and conditions as it may adopt by resolution.

Qualifications of those attending schools.

Admission of non-residents.

SEC. 10. Funds for the support and maintenance of the schools in said Local Tax School District shall be levied and

Levy and collection of school funds.

Custodian of funds.	collected as provided by law for the levy and collection of school funds in other local tax districts. When said funds are so levied and collected by the proper collecting officer of the county, said funds shall be turned over to the Treasurer of the City of Asheville or other depository agent designated by the governing body of the City of Asheville by written resolution and said funds shall be held and kept separate from all other funds belonging to said city and shall be applied under such rules and regulations as the Asheville School Board shall prescribe exclusively to the support and maintenance of the public schools in said district. The said treasurer or other school depository shall hold said funds and pay them by voucher duly executed in the way and manner provided by law for the execution of vouchers of the City of Asheville, such vouchers, however, to be issued only upon warrant or order of the School Board. Said warrants or orders of said Board shall be held by said disbursing officer as his valid authority for the payment of school funds.
Application of.	
Issuance of vouchers.	
Term of office of newly appointed School Board.	<p>SEC. 11. The term of said School Board named in section three hereof shall begin on the first Monday in April, one thousand nine hundred and thirty-one, and shall extend for a period of two years from and after said date, or until their successors are elected and qualified. The governing body of the City of Asheville shall on or before the first Monday in April, one thousand nine hundred and thirty-three, appoint or elect the successors to said Board, two or more of whom shall be women, and all of said board shall be residents of said district and shall be persons known to be in favor of education and interested in the welfare of the schools and shall be appointed or elected with the sole object in view of maintaining the efficiency of the schools of said district and without any partisan prejudice or bias. In case of any vacancy on said Board the same shall be filled by an election by the governing body of the City of Asheville. As soon as practicable after the first Monday of April, one thousand nine hundred and thirty-one, and each biennial year thereafter, said Board shall meet and elect a chairman, who shall preside over the meetings of said Board. A majority of the members of said Board shall constitute a quorum and the chairman or any two members may call a meeting. The members of said Board shall serve without compensation.</p> <p>SEC. 12. The Asheville School Board and the Superintendent of Schools shall be vested with full power and authority to change or extend the subjects to be taught in the schools of said local tax district; supervise and provide for the training of teachers for said schools; assign the teachers to the different schools and provide for the individual work and change or</p>
Time of electing successors.	
Qualifications.	
Vacancy appointments.	
Election of chairman.	
Quorum.	
Members to receive no compensation.	
Control over curriculum.	
Teacher training.	
Assignment of teachers to schools.	

remove any grade or class from any school building in said district to another.

SEC. 13. Funds for the support and maintenance of the six months school term in the Asheville Local Tax District shall be apportioned and allocated in the same way and manner that said funds for said term are apportioned and allocated in the other local tax districts as provided by law.

Allocation of funds for six months term.

SEC. 14. If any section of this act, or any part thereof be hereafter declared invalid by the Courts of this State, such decree shall not be construed as rendering this entire act invalid, but shall affect only the specific part, article or section involved in the decree.

Constitutional parts of Act upheld.

SEC. 15. All laws and clauses of laws in conflict with this act are hereby repealed.

Conflicting laws repealed.

SEC. 16. This act shall be in full force and effect from and after its ratification.

Ratified this the 21st day of April, A.D. 1931.

CHAPTER 150

AN ACT TO AMEND HOUSE BILL SIX HUNDRED AND FOUR, SESSION OF THE GENERAL ASSEMBLY OF ONE THOUSAND NINE HUNDRED AND THIRTY-ONE, RELATING TO THE BENSON SCHOOL DISTRICT.

The General Assembly of North Carolina do enact:

SECTION 1. That House Bill number six hundred four, passed at the one thousand nine hundred and thirty-one session of the General Assembly, being "An Act to repeal the charter of the Benson School District, Private Laws of one thousand nine hundred fifteen, chapter one hundred forty-five," be, and the same is hereby amended by inserting a new section therein between sections three and four, which such section shall be as follows:

H. B. No. 604,
Private Laws
1931, amended.

"SEC. 3½. That the county board of education of Johnston County shall take over and assume, and include in the debt service fund in the school budget of said county, the bonded indebtedness of said Benson School District lawfully incurred in erecting and equipping school buildings necessary for the six months school term, upon the same terms and conditions and in the same manner as it has heretofore taken over and assumed such indebtedness of certain special charter and local tax districts in said county."

Johnston County Board of Education to assume bonded indebtedness of Benson School District.

SEC. 2. This act shall be in force and effect from and after its ratification.

Ratified this the 21st day of April, A.D. 1931.

CHAPTER 151

AN ACT TO AUTHORIZE THE TOWN OF MEBANE TO
ISSUE SEWER BONDS AND TO PROVIDE FOR THE
PAYMENT THEREOF.*The General Assembly of North Carolina do enact:*Issuance of sewer
bonds in Mebane
authorized.

SECTION 1. That the Town of Mebane, Alamance County, shall have power and is authorized to issue at one time, or from time to time, not exceeding thirty thousand dollars of sewer bonds for the purpose of extending and improving its present existing sanitary sewer system. And except as herein provided said bonds hereby authorized shall be issued pursuant to the Municipal Finance Act and the Local Government Act, of nineteen hundred and thirty-one, as such acts shall exist at the time proceedings for the issuance of said bonds are taken, but the limitation and restriction imposed by sub-section two of section two thousand, nine hundred and forty-three of the Consolidated Statutes shall not apply to the bonds hereby authorized.

General laws
applicable.Maturity and pay-
ment of bonds.

SEC. 2. The bonds hereby authorized shall mature and funds for their payment shall be raised as provided in the Municipal Finance Act, except that the first installment or series of bonds may be made payable not more than three years after the date of the first issued bonds of such issue.

Powers herein
granted are addi-
tional to other
powers.

SEC. 3. The powers conferred by this act are conferred in addition to, and not in substitution of, the existing powers of the Town of Mebane, and nothing herein shall prevent or limit the issuance of bonds of said town under the Municipal Finance Act or other acts applicable to said town.

SEC. 4. This act shall be in force from and after its ratification.

Ratified this the 21st day of April, A.D. 1931.

CHAPTER 152

AN ACT TO REPEAL CHAPTER ONE HUNDRED FORTY-
EIGHT OF THE PUBLIC-LOCAL AND PRIVATE LAWS
OF ONE THOUSAND NINE HUNDRED TWENTY-NINE,
RELATING TO THE TOWN OF ROCKINGHAM, RICH-
MOND COUNTY.*The General Assembly of North Carolina do enact:*Ch. 148, Private
Laws 1929, re-
pealed, relative to
development tax
in Rockingham.

SECTION 1. That chapter one hundred forty-eight of the Public-Local and Private Laws of North Carolina, Session of one thousand nine hundred and twenty-nine, the same being "AN ACT TO ENABLE THE TOWN OF ROCKINGHAM, RICHMOND COUNTY, TO LEVY A TAX TO AID IN THE

DEVELOPMENT OF SAID TOWN," be, and the same is hereby repealed.

SEC. 2. That all laws and clauses of laws in conflict herewith are hereby repealed.

Conflicting laws repealed.

SEC. 3. This act shall be in force from and after its ratification.

Ratified this the 21st day of April, A.D. 1931.

CHAPTER 153

AN ACT TO AMEND THE CHARTER OF THE TOWN OF LINCOLNTON.

The General Assembly of North Carolina do enact:

SECTION 1. That all candidates for election to the offices of Mayor, Board of Aldermen, Trustee of Graded Schools, and/or any and all candidates for any elective office in the Town of Lincolnton, shall duly file under their respective hands a notice of their candidacy and for what office with the City Clerk or Clerk to the Mayor and Board of Aldermen of the Town of Lincolnton, on or before the third Monday in April next preceding the election to be held on the first Tuesday after the first Monday in May.

Filing of candidates for municipal elections in Lincolnton.

Time of.

SEC. 2. That the City Clerk shall cause ballots to be printed for use in the general election for City Officials in the Town of Lincolnton setting forth the names of each and every candidate, and for what office, who has complied with the provisions of section one of this act and no others, and such ballots shall be the only ballots used in the election of City Officials and no candidate who has failed to comply with section one of this act shall be voted upon at the general election for City Officials of the Town of Lincolnton.

Making up official ballots.

Only those who file may be voted on.

SEC. 3. That all laws and clauses of laws in conflict with this act are hereby repealed.

Conflicting laws repealed.

SEC. 4. That this act shall be in full force and effect immediately upon its ratification.

Ratified this the 21st day of April, A.D. 1931.

CHAPTER 154

AN ACT TO EXTEND THE TIME FOR PAYMENT OF STREET ASSESSMENTS IN THE TOWN OF EAST FLAT ROCK.

The General Assembly of North Carolina do enact:

SECTION 1. That the time for payment of all assessments heretofore levied by the Commissioners of the Town of East Flat Rock against abutting property owners for, and on account of paving, grading or otherwise improving any of the public

Provision for payment of street assessments in East Flat Rock in 20 equal annual installments beginning July 1, 1931.

streets or sidewalks in the Town of East Flat Rock, is hereby extended so as to be payable in twenty equal annual installments beginning July first, one thousand nine hundred and thirty-one. The amount of said installments shall draw interest from July first, one thousand nine hundred and thirty-one, at the rate of six per cent per annum: *Provided*, that if any property owner or other person legally liable therefor shall fail to pay any of said installments or interest as the same shall become due as provided for in this act, the board of commissioners of the Town of East Flat Rock may in their discretion declare the whole of said assessments with accrued interest thereon immediately due and payable, and may proceed to enforce collection of said assessments by the sale of the real estate against which said assessments have been levied in the same manner and under the same laws as real estate is sold for unpaid town taxes. The whole assessments may be paid at any time by the payment of principal and accrued interest to date of payment.

SEC. 2. That it shall be the duty of the Commissioners of the Town of East Flat Rock, as soon as practicable after the ratification of this act and before the first day of July, one thousand nine hundred and thirty-one, to cause to be computed the amounts and accrued interest on all uncollected assessments heretofore levied against property owners on account of paving, grading or otherwise improving any of the public streets or sidewalks of the Town of East Flat Rock, said uncollected assessments and interest to be computed to the first day of July, one thousand nine hundred and thirty-one, and thereafter the total amount of said assessments and interest accrued thereon shall be paid by the property owners against which said assessments have been made in twenty equal annual installments beginning July first, one thousand nine hundred and thirty-one, and thereafter said installments shall draw interest at the rate of six per cent per annum.

SEC. 3. That as soon as said assessments have been computed as herein provided, the commissioners shall cause to be prepared an assessments roll and record the same in a well bound book styled "Special Assessment Book" which shall be ruled so as to conveniently show:

1. Name of such property.
2. Number of lot or part of lot as shown on tax sheet.
3. The frontage of such lot.
4. Amount that has been assessed against said lot.
5. Amount of such installment and the date on which the installments shall become due.

Said book shall be indexed according to the names of the owners of the property, and all entries of all payments or par-

Interest added.

Acceleration clause.

Payment of whole assessment at any time.

Computation of amounts due with interest as of July 1, 1931.

"Special Assessment Book."

Contents.

Indexing and entries of payments.

tial payments shall be immediately entered upon said book when made, and said book shall be open to public inspection.

SEC. 4. That the amount of said assessments shall continue as heretofore to be a lien against the property so assessed and this act shall not be construed as in any manner impairing the validity of the lien aforesaid.

Lien of assessments unaffected.

SEC. 5. That all provisions of the charter of the Town of East Flat Rock and general and private laws with respect to assessments and the enforcement of the collection shall remain in full force and effect, except as modified by this act.

Local laws unaffected.

SEC. 6. That it is the purpose of this act to cause said assessments to be computed on or before July first, one thousand nine hundred and thirty-one, and the first installment shall become due and payable as of July first, one thousand nine hundred and thirty-two, and this section shall be applicable to a similar act ratified at the present session of the assembly relative to the extension of time for the payment of assessments levied by the City of Hendersonville.

Intent of Act.

SEC. 7. That all laws and clauses of laws in conflict with this act are hereby repealed.

Conflicting laws repealed.

SEC. 8. That this act shall be in full force and effect from and after its ratification.

Ratified this the 22nd day of April, A.D. 1931.

CHAPTER 155

AN ACT TO EXEMPT CHURCH PROPERTY USED EXCLUSIVELY FOR RELIGIOUS SERVICES AND PASTORS' RESIDENCES FROM THE PAYMENT OF STREET PAVING ASSESSMENTS AND SIDEWALK ASSESSMENTS FOR THE YEAR ONE THOUSAND NINE HUNDRED THIRTY-ONE AND SUBSEQUENT YEARS.

The General Assembly of North Carolina do enact:

SECTION 1. That for the year one thousand nine hundred thirty-one and all subsequent years property owned and used exclusively by churches or religious denominations for the purpose of religious services and residences of pastors shall be exempted from the payment of all street paving assessment and sidewalk assessment; *Provided* that the exemption herein provided for shall be allowed only when approved by a majority vote of the Board of Town Commissioners.

Church property relieved of street assessments in Williamston.

Majority vote of Commissioners necessary.

SEC. 2. This act shall only apply within the corporate limits of the town of Williamston, North Carolina.

SEC. 3. That all laws and clauses of laws in conflict with this act are hereby repealed.

Conflicting laws repealed.

SEC. 4. This law shall be in full force and effect from and after its ratification.

Ratified this the 22nd day of April, A.D. 1931.

CHAPTER 156

AN ACT TO AMEND THE LAW IN CONNECTION WITH
THE ANDREWS SCHOOL DISTRICT IN CHEROKEE
COUNTY.

The General Assembly of North Carolina do enact:

Andrews School
District Board of
Trustees.
Personnel.

SECTION 1. That there is hereby appointed for Andrews School District five members of the Board of School Trustees, to-wit: E. A. Wood, D. H. Tillitt, H. C. Whitaker, H. M. Whitaker and R. A. Dewar, who shall have and exercise all power and authority which is or has formerly been given to and vested in the trustees for said school district.

Terms of office.

SEC. 2. That E. A. Wood, D. H. Tillitt and H. C. Whitaker shall hold office as school trustees for said district until the tenth day of May, one thousand nine hundred and thirty-five; and H. M. Whitaker and R. A. Dewar until the tenth day of May, one thousand nine hundred and thirty-three, or until their successors are elected and qualify.

Election of
successors.

SEC. 3. That at the election for mayor and board of aldermen for the Town of Andrews in May, one thousand nine hundred and thirty-three, there shall be elected two members of said board of trustees to take the place of those whose term expires on May tenth, one thousand nine hundred and thirty-three; and that at the election for mayor and board of Aldermen held in one thousand nine hundred and thirty-five there shall be elected three members of the said board of trustees to take the place of those whose term expires on May tenth, one thousand nine hundred and thirty-five, and that all members of said board of trustees elected hereafter shall serve for a period of four years from and after May tenth of the year in which they are elected; and that said trustees shall be elected as their terms of office expire at the same time and place and by the same election officials as is used for the election of a Mayor and Board of Aldermen for the Town of Andrews. At said election there shall be a ballot box to be used solely for the election of a member of said board of trustees and said ballot box shall be so labeled and the judges of election and registrar and other election officials shall receive no additional compensation for holding said election other than the pay received from the Town of Andrews. That said registrar shall keep a separate registration book for those entitled to vote for members of the board of trustees of said Andrews School District.

Election officials.

Ballot box.

Separate registra-
tion book.

Unlawful to pay
teachers salaries
above State
schedule.

SEC. 4. That it shall be unlawful for the said board of trustees to supplement or increase or pay any superintendent or principal or teacher employed to superintend or be principal or

teach in the Andrews School District any amount in excess of the rate of salary set out and stipulated by the State of North Carolina or the Department of Education; *provided, however*, that the said board of trustees may in its discretion supplement the salary of the principal of the high school in said district in any amount not to exceed thirty-five dollars (\$35.00) per month for each month actually taught.

Supplementing principal's salary permitted.

SEC. 5. That any person violating any of the provisions of section four of this act shall be guilty of a misdemeanor and upon conviction thereof shall be fined or imprisoned in the discretion of the court.

Violation made misdemeanor.

SEC. 6. That all laws and clauses of laws in conflict with this act are hereby repealed.

Conflicting laws repealed.

SEC. 7. That this act shall be in force and effect from and after its ratification.

Ratified this the 24th day of April, A.D. 1931.

CHAPTER 157

AN ACT RELATING TO THE COMING ELECTION IN THE TOWN OF FAIRMONT, ROBESON COUNTY.

Whereas, from some neglect of the governing authorities of the town of Fairmont, Robeson County, a proper election was not held in the town at the time fixed in its charter, to-wit: May, one thousand nine hundred thirty, *Therefore*,

Preamble.

The General Assembly of North Carolina do enact:

SECTION 1. That, at the coming election to be held in May, one thousand nine hundred thirty-one, under the charter of the town of Fairmont, Robeson County, there shall be four members of the Board of Commissioners of said town elected and two having the greatest number of votes at the election to have a term of two years and the two having the next greatest number of votes at the election to have a term of one year.

Election of governing body in Fairmont.

SEC. 2. Except as herein provided, chapter sixty-five of the Private Laws of North Carolina one thousand nine hundred and twenty-five (1925) shall be in no particular modified and shall continue in force for all subsequent elections.

Terms of office.

Town charter unaffected.

SEC. 3. This act shall be in full force and effect from and after its ratification.

Ratified this the 24th day of April, A.D. 1931.

CHAPTER 158

AN ACT TO AMEND THE ACT ENTITLED "AN ACT TO AMEND CHAPTER THREE HUNDRED NINETY-FIVE OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED NINE AND ALL ACTS AMENDATORY THEREOF, RELATING TO THE CITY CHARTER OF THE CITY OF HIGH POINT," RATIFIED THE TWENTY-FIRST DAY OF MARCH, ONE THOUSAND NINE HUNDRED AND THIRTY-ONE.

The General Assembly of North Carolina do enact:

S. B. No. 302,
Private Laws
1931, amended,
relative to charter
of High Point.

Section 2, article
2 amended.

SECTION 1. Amend section two of article two of the act entitled "An act to amend chapter three hundred ninety-five of the Public-Local Laws of one thousand nine hundred nine and all acts amendatory thereof, relating to the city charter of the City of High Point," by striking out in line three of said section the words "two thousand six hundred and twenty-two" and substituting in lieu thereof the words "two thousand six hundred and twenty-three."

Amend said section further by inserting the words "now or" between the word "powers" and the word "hereafter" in line eight.

Section 4
amended.

SEC. 2. Amend section four, article two, of said act by striking out all of the first paragraph of said section after the words "amendments thereto" in line six of said paragraph and substituting in lieu thereof the following: "so far as same may not be inconsistent herewith: *Provided*, that reference to specific sections and statutes herein may not be construed as a limitation of the application of the general laws of the State, except as herein especially provided."

Amend sub-section (a) of said section four, article two, by striking out the words "except the words 'Now or' appearing after the words 'North Carolina' therein," appearing in lines two and three of said sub-section.

Amend sub-section one (1) of said section four, article two, of said act by striking out the words "C. S. two thousand six hundred and forty-six" in the first and second lines of said sub-section.

Section 21, article
4, amended.

SEC. 3. Amend section twenty-one of article four of said act by striking out all of said section after the word "votes" in the second line of said section, and substituting in lieu thereof the following: "and the two candidates from each ward receiving the largest and the second largest number of votes shall be deemed elected."

Election of coun-
cilmen.

Amend section twenty-six of article four of said act by adding to said section the following: "That the repeal of the partisan

Section 26 amend-
ed, relative to
non-partisan pri-
maries.

primary provisions shall not impair the machinery for primaries and elections herein provided for, except to destroy all references to the partisan qualification of candidates for office."

SEC. 4. Amend section one of article six, by striking out all of sub-section (b) of said section and substituting in lieu thereof the following:

"(b) And shall levy and collect a tax ad valorem and without limitation as to the amount, upon all the taxable property within the municipality sufficient to pay the principal and interest of all bonds and/or notes of the city now outstanding or which may be hereafter issued, as such principal and interest become due;"

Amend section five of article six, by striking out the words "one hundred and eleven" in line three of said section and substituting in lieu thereof the word "three."

SEC. 5. Amend section one of article nine of said act, by striking out all of said section and substituting in lieu thereof the following:

"SECTION 1. All the terms and provisions of articles twenty-three to twenty-nine, inclusive, of chapter fifty-six of the Consolidated Statutes of North Carolina entitled the 'Municipal Finance Act of one thousand nine hundred and twenty-one' and/or the 'Local Government Act of one thousand nine hundred and thirty-one,' and the amendments thereto, or the substitutes therefor, now or hereafter made, are hereby adopted as a part of this charter and shall apply to the City of High Point."

SEC. 6. Amend section one of article ten of said act, by striking out the word "shall" in line six of said section and substituting in lieu thereof the word "may," making the said line read as follows: "public library, and to that end they may appropriate, an—."

SEC. 7. Amend section one of article thirteen of said act, by striking out all of said section down to the period in line nine of said section, thus striking out the first and second sentences of said section.

Amend section five of article thirteen of said act by striking out all of said section after the word "bonds" in line seven of said section and substituting in lieu thereof the following: "Provided that until the gross debt of the said city computed in the manner prescribed by section two thousand nine hundred forty-three of the Consolidated Statutes shall be reduced to less than ten (10%) per centum of the assessed valuation of taxable property in said city as last fixed for taxation by said city, no bonds or notes of said city shall be issued in any fiscal year subsequent to the current fiscal year in excess of fifty (50%) per centum of the amounts expended in the next preceding fiscal year for the payment of debt required to be included in such

Section 1, article 6, amended.

Levy of tax for debt service.

Section 5 amended.

Section 1, article 9, amended.

Certain general laws made applicable to City.

Section 1, article 10, amended.

Section 1, article 13, amended.

Section 5, article 13, amended.

Limitation on issuance of bonds and notes without vote of people.

Revenue anticipation notes and refunding bonds or notes excepted.

gross debt by said section two thousand nine hundred forty-three, or paid into a sinking fund maintained for payment of the principal of such debt unless the issuance of such bonds or notes shall first be submitted to the qualified voters of said city and a majority of such voters voting on such question shall be in favor of the issuance of such bonds or notes, or unless such notes shall be issued in anticipation of the collection of revenue of the fiscal year in which such notes are issued: *Provided further*, that nothing herein contained shall apply to the issuance of bonds or notes for the purpose of refunding, funding or renewing obligations or indebtedness of the city existing at the time of the ratification of this act."

SEC. 8. That this act shall be in full force and effect from and after its ratification.

Ratified this the 27th day of April, A.D. 1931.

CHAPTER 159

AN ACT AMENDING THE CHARTER OF THE TOWN OF MIDDLESEX, NASH COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Ch. 21, Private Laws 1908, amended, relative to charter of Middlesex.

SECTION 1. That section three of chapter twenty-one, Private Laws of one thousand nine hundred and eight, be amended by erasing the word "annually" in line five of said section, and inserting in lieu thereof the word "biennially".

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 25th day of April, A.D., 1931.

CHAPTER 160

AN ACT TO VALIDATE CERTAIN WATER BONDS OF THE TOWN OF BOONE.

The General Assembly of North Carolina do enact:

Water bond issue of Boone validated.

SECTION 1. The proceedings of the board of aldermen of the Town of Boone adopted on the eighteenth day of March and the twenty-second day of May, one thousand nine hundred and thirty, authorizing the issue of twenty-eight thousand dollars water system bonds of the said Town, are hereby validated and the said bonds may be issued accordingly when advertised and sold pursuant to the Municipal Finance Act and to chapter two hundred and seventy-seven, Public Laws of one thousand nine hundred and twenty-nine, unaffected by such amendments thereof or other legislation as may have been or may hereafter be enacted at the present session of the General Assembly. The proceeds of the bonds shall be applied to constructing a water system for the said Town and its citizens, including the pay-

Advertisement and sale.

Application of proceeds.

ment of notes heretofore issued for that purpose, but the purchaser of the bonds shall not be obliged to see to such application.

SEC. 2. This act shall be in force and effect from and after its ratification.

Ratified this the 25th day of April, A.D., 1931.

CHAPTER 161

AN ACT TO REPEAL CHAPTER ONE HUNDRED SIXTY-SIX, PRIVATE LAWS, ONE THOUSAND NINE HUNDRED THIRTEEN, RELATING TO THE CHARTER OF THE TOWN OF BONLEE IN CHATHAM COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter one hundred and sixty-six of the Private Laws of one thousand nine hundred and thirteen incorporating the town of Bonlee in Chatham County, and all acts amendatory thereof, be and the same is hereby repealed.

Ch. 166, Private Laws 1913, repealed, abolishing charter of Bonlee.

SEC. 2. That this act shall be in full force and effect from and after its ratification.

Ratified this the 29th day of April, A.D., 1931.

CHAPTER 162

AN ACT TO AMEND SENATE BILL THREE HUNDRED FORTY RELATING TO THE RALEIGH AUDITORIUM BUILDING COMMISSION.

The General Assembly of North Carolina do enact:

SECTION 1. That Senate Bill three hundred and forty, enacted at this session of the General Assembly, be and the same is hereby amended as follows: By inserting after the comma following the word "Chairman" in line seventeen of section one, the names "Captain Samuel A. Ashe and W. Capers White".

S. B. No. 340, Private Laws 1931, amended, relating to Raleigh Auditorium Building Commission.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 29th day of April, A.D., 1931.

CHAPTER 163

AN ACT TO VALIDATE CERTAIN ACTS OF THE BOARD OF ALDERMEN OF THE TOWN OF MARION.

Whereas the town of Marion, North Carolina, has heretofore paved certain streets and sidewalks in the Town of Marion and has assessed part of the cost against the abutting property owners: *and whereas* the said property owners have received and are enjoying the benefits of said improvements; *and where-*

Preamble: Paving of certain streets and sidewalks in Marion.

Irregularity in assessments.

as there may be some question as to whether the records of the Town of Marion show that a proper petition for and notice of said assessments was given as required by statute; *and whereas* the said assessments in all other respects are proper and valid; *and whereas* it is the purpose hereof to validate the said assessments so far as the lack of petition and notice, and no further, *now, therefore,*

The General Assembly of North Carolina do enact:

Assessments validated.

SECTION 1. That the action of the Board of Aldermen of the Town of Marion in levying assessments on adjoining property owners for street and sidewalk pavements are hereby validated, notwithstanding the lack of petition and notice of said assessments, where the said assessments are otherwise valid and the adjoining property owners have received and are enjoying the benefits of said assessments.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 3. This act shall be in force and effect from and after its ratification.

Ratified this the 1st day of May, A.D., 1931.

CHAPTER 164

AN ACT TO TRANSFER THE LEVY OF TAXES IN THE BESSEMER CITY GRADED SCHOOL DISTRICT FROM THE BOARD OF TRUSTEES OF THAT DISTRICT TO THE BOARD OF COMMISSIONERS OF GASTON COUNTY.

Preamble:
Collection of taxes in Bessemer City Graded School District.

Whereas, Chapter two hundred and forty-two (242) of the Private Laws of one thousand nine hundred and thirteen (1913) imposes upon the Board of Trustees of the Bessemer City Graded School District the duty of levying taxes for school purposes in that district, and

Whereas, the tax collector was required by said act to be appointed by the Board of Trustees to collect the taxes in said district, *now therefore*

The General Assembly of North Carolina do enact:

Collection of such taxes transferred to Gaston County Commissioners.

SECTION 1. That the authority to levy taxes, both for current expenses and to meet the principal and interest of bonds outstanding, imposed by Chapter two hundred and forty-two (242) of the Private Laws of one thousand nine hundred and thirteen (1913) upon the Board of Trustees of the Bessemer City Graded School District be and the same are hereby transferred to the Board of Commissioners of Gaston County, which Board of Commissioners shall levy said taxes under the authority of law at the times provided by law for the levying of

county taxes and to the amount as required by the budget of the Board of Trustees of said graded school district supplied to the Board of Education, in accordance with the school law.

SEC. 2. That the office of Tax Collector in Bessemer City Graded School District be and the same is hereby abolished. The Tax Collector of Gaston County, acting in Crowder's Mountain Township be, and he is, hereby authorized, empowered and directed to collect the special taxes in said school district, both for the maintenance of the school and for the payment of the interest and principal of outstanding bonds of said district, under the same rules, regulations and statutes under which he collects the general taxes for Gaston County. He shall pay over said taxes in accordance with the general law and at the times provided therein to the Treasurer of Gaston County, who shall place all the proceeds of such taxes to the credit of said Bessemer City Graded School District, and thereafter from time to time said funds shall be paid over to the Treasurer of the Bessemer City Graded School District to be expended by the trustees of said district as provided in Chapter two hundred and forty-two (242) of the Private Laws of one thousand nine hundred and thirteen (1913).

Graded School
District Tax
Collector
abolished.

Successor.

Accountings.

SEC. 3. That section twenty-three (23) of Chapter two hundred and forty-two (242) of the Private Laws of one thousand nine hundred and thirteen (1913), prescribing when taxes shall be due in said school district and discounts for prompt payment and the enforcement of the collection be, and the same is, hereby repealed. In the enforcement and collection of the taxes in said district, the general laws applicable to the collection of general taxes of Gaston County shall be in all particulars applicable to the enforcement and collection of taxes in said graded school district.

Ch. 242, Private
Laws 1913,
amended.

General laws
as to collection
applicable.

SEC. 4. That said Chapter two hundred and forty-two (242), Private Laws of one thousand nine hundred and thirteen (1913), be and the same is hereby modified or repealed only to the extent necessary to carry out the purpose and intent of this act.

Conflicting
parts of 1913
law repealed.

SEC. 5. This act shall be in full force and effect from and after its ratification.

Ratified this the 7th day of May, A.D., 1931.

CHAPTER 165

AN ACT TO INCORPORATE THE TOWN OF TODD IN WATAUGA AND ASHE COUNTIES.

The General Assembly of North Carolina do enact:

SECTION 1. That the Town of Todd in Ashe and Watauga Counties, be and the same is hereby incorporated under the name and style of "The Town of Todd", and shall be subject to

Town of Todd
incorporated.

all the provisions contained in the code for incorporated towns; also subject to the general laws in relation to municipal corporations.

Corporate boundaries.

SEC. 2. The corporate limits of said town shall be as follows, viz: Beginning at an iron stake which stands at the east corner of the Post Office, as now located and runs three quarters of a mile each north, east, south and west, with the cardinal points of the compass, and intermediate points of the same a like distance of three quarters of a mile so as to form an exact octagon.

Town officers.

SEC. 3. That the officers of said Town of Todd shall consist of a mayor, three aldermen and a marshal, and the aldermen of said town shall have power to elect a secretary and treasurer and tax collector, who shall be required to give bond for the faithful discharge of any duties devolving upon said secretary and treasurer and tax collector in such amount as said aldermen may fix.

Secretary and treasurer and tax collector.

Temporary appointment of town officers.

SEC. 4. That for the purpose of carrying this act into immediate operation, and until their successors are elected on the first Monday in May, nineteen hundred and thirty-one, and have qualified in accordance with this act, the following named persons shall fill said offices of mayor and aldermen, to wit: as Mayor, W. C. Cook, and as Aldermen, T. A. McGuire, J. L. Miller and H. M. Winkler. The marshal and said town shall be appointed or elected by the aldermen, and such officers shall have the same powers and authorities as are conferred upon like officers by law, and such additional authority as may be conferred upon the Town of Todd by this act.

Powers and authority.

Election to be held in May, 1931.

SEC. 5. That an election shall be held in the Town of Todd for the election of officers mentioned in this act, with the exception of town marshal, which officer shall be elected by the board of aldermen and not by the direct vote of the people of the town, on the first Monday in May, A.D., nineteen hundred and thirty-one, and biennially thereafter, under the same regulations and restrictions that govern the State and county elections.

Induction of officers elected.

SEC. 6. That it shall be the duty of the officers elected to meet, organize and take the oath of office.

Levy and collection of poll and property taxes.

SEC. 7. That the mayor and aldermen shall be styled commissioners and shall have power to levy and collect a tax not to exceed fifty cents on the polls; on all property in said town an amount not to exceed fifteen cents on the one hundred dollars worth of property.

Police powers of town marshal.

SEC. 8. That when it shall be necessary for the preservation of the public peace, good order and common decency, or for the protection of life, liberty, person or property of individuals, the town marshal shall have authority and it shall be his duty

to arrest without warrant the body or bodies of the offending party or parties who have violated the law in the presence of such marshal, and take the offenders before the said mayor of the town as soon as practicable, to be dealt with as the law directs; and to every resistance to such authority by such offenders or others, the party so resisting shall be punished as the ordinance of said town shall provide; and if necessary the marshal shall have power to call to his aid any bystander to assist in making any legal arrest, and one so summoned or called who refuses or fails to help in such arrest, shall upon conviction before the mayor, be punished as the ordinances of the town shall prescribe.

Hearing before mayor.

Summoning bystanders to assist in arrests.

SEC. 9. That the commissioners of said town shall have power to apply the taxes collected under this act, together with all fines and forfeitures, and all other fines derived from the legitimate exercise of this act as they may deem necessary.

Application of taxes, fines and forfeitures.

SEC. 10. That it shall be the duty of the commissioners to require the marshal to enter into a bond, payable to the State of North Carolina, to the use of the Town of Todd, conditional for the faithful performance of his duties, which bond is to be approved by the commissioners.

Bond of marshal.

SEC. 11. That the officers of said town shall receive such compensation for their services as the mayor and board of aldermen of said town, in their discretion, may authorize.

Compensation of officers.

SEC. 12. That if any officers appointed under this act shall for any reason, fail to serve, or if a vacancy shall at any time occur in the board of aldermen, then the remaining members of the said board of aldermen shall elect or appoint some reputable citizen of said town to fill such vacancy: *Provided*, that if for any reason the mayor fail to qualify, or if a vacancy occur in said office, then the board of aldermen shall elect or appoint from the citizens of said town, a mayor, who shall serve as such until the next regular election for town officers or until his successor is elected and qualifies.

Vacancy appointments.

Appointment of mayor.

SEC. 13. That this act shall be in full force and effect from and after its ratification.

Ratified this the 4th day of May, A.D., 1931.

CHAPTER 166

AN ACT TO RELIEVE CHURCH PROPERTY IN THE TOWN OF WINDSOR, BERTIE COUNTY, FROM FIFTY PER CENT OF STREET PAVING ASSESSMENTS, IF APPROVED BY A MAJORITY OF THE VOTERS.

The General Assembly of North Carolina do enact:

SECTION 1. That all real estate now owned or which may hereafter be acquired by any of the churches of the town of Windsor and used for church or parsonage purposes shall be

Church property relieved of half of paving assessments in Windsor.

relieved from fifty per cent of special paving front foot assessments for paving already done and also from future paving assessments.

Tax to be levied to make up deficit.

SEC. 2. That the commissioners of the town of Windsor shall levy annually an ad valorem tax sufficient to cover the total annual special assessments against church property in the town of Windsor to be collected and applied in lieu of said special assessments.

Assessments payable when property is no longer used for church purposes.

SEC. 3. That when any of such property shall no longer be owned and used by any of said churches for church or parsonage purposes, during the period for levying and collecting said special paving assessments, the same shall immediately become liable for the unpaid paving assessments as may appear on the assessment roll of said town.

Proposition submitted to voters at 1931 election.

SEC. 4. That at the next regular municipal election to be held in the town of Windsor on Tuesday after the first Monday in May, one thousand nine hundred and thirty-one, there shall be submitted to the qualified voters of said town the question of relieving the said churches from the payment of said street paving assessments as set forth in section one of this act. At said election the voters favoring the relief of said churches shall vote a ballot on which shall be written or printed the words "For Relief of Church Property", those opposed shall vote a ballot on which shall be written or printed the words "Against Relief of Church Property." If a majority of the votes cast on this question shall be for relief of church property then this act shall be in full force and effect, otherwise to be null and void.

Ballot.

Will of voters to determine.

Conflicting laws repealed.

SEC. 5. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 6. That this act shall be in full force and effect from and after its ratification.

Ratified this the 4th day of May, A.D., 1931.

CHAPTER 167

AN ACT TO POSTPONE THE COLLECTION OF STREET ASSESSMENTS ON THE OLD LADIES' HOME IN CHARLOTTE, NORTH CAROLINA.

Preamble.

Whereas, it is probable that the Old Ladies' Home, at the corner of Belmont Avenue and Seige Street, in the City of Charlotte, North Carolina, will be opened for the charitable purpose of providing a home for old ladies:

The General Assembly of North Carolina do enact:

Old Ladies' Home in Charlotte relieved from paying paving assessments.

SECTION 1. That when the Old Ladies' Home in the City of Charlotte, North Carolina, is opened by an organization now contemplating doing so, to take care of old ladies, the governing

body of the City of Charlotte, North Carolina, is hereby given power and authority to postpone the collection of the street assessments now due and to become due on Belmont Avenue and Seigle Street assessed against the Old Ladies' Home, pursuant to and in the manner and method set forth in Private Laws one thousand nine hundred and twenty-nine, Chapter ninety-four, in relation to the Mercy Hospital of Charlotte, and upon the same provisions, conditions and terms therein set forth. Similar statutes were passed in one thousand nine hundred and twenty-nine in reference to the Presbyterian and Saint Peters' Hospitals in Charlotte, North Carolina.

Method of relieving.

SEC. 2. That all laws and clauses of laws in conflict with this act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This act shall be in force from and after its ratification.

Ratified this the 4th day of May, A.D., 1931.

CHAPTER 168

AN ACT TO AMEND CHAPTER THIRTY-SEVEN OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-THREE, BEING THE CHARTER OF THE CITY OF GREENSBORO.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter thirty-seven of the Private Laws of one thousand nine hundred and twenty-three, entitled, "An act to incorporate the City of Greensboro, etc.," and amendments thereto, be further amended as follows:

Ch. 37. Private Laws 1923, amended.

a. That section fifty-one of the said chapter thirty-seven of the Private Laws of one thousand nine hundred and twenty-three, as heretofore amended, be further amended by adding at the end thereof the following:

Section 51.

"Whenever taxes of any kind are or have been through clerical error, or misinterpretation of the law, or otherwise, collected and paid into the city treasury in excess of the amount legally due the city, the city council may in its discretion authorize the city treasurer to refund the amount so illegally collected to the person entitled thereto, upon certificate of the head of the department through which said taxes were collected, or his successor, in the performance of the functions of such department, with the approval of the city attorney; *provided*, a resolution shall be adopted by the city council setting forth in each case the reason for authorizing such refund, and such resolution shall be spread upon the minutes of the council, and *provided, further*, that demand is made for the correction of such error or errors within three years from the time of such payment."

Refund of taxes erroneously paid in Greensboro.

Resolution of city council necessary.

Demand must be made within 3 years.

Conflicting laws repealed.

SEC. 2. That all laws and parts of laws in conflict with this act are repealed insofar as they affect this act.

SEC. 3. That this act shall be in effect from and after its ratification.

Ratified this the 4th day of May, A.D., 1931.

CHAPTER 169

AN ACT TO REPEAL HOUSE BILL NUMBER EIGHT HUNDRED FIFTY-TWO, RATIFIED MARCH SIXTEENTH, ONE THOUSAND NINE HUNDRED THIRTY-ONE, BEING AN ACT ENTITLED TO AMEND CHAPTER SIXTY-TWO OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED TWENTY-NINE, ENTITLED AN ACT TO INCORPORATE WOODVILLE BAPTIST CHURCH, PERQUIMANS COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

H. B. No. 852, Private Laws 1931, repealed, abolishing charter of Woodville Baptist Church, Perquimans County.

SECTION 1. That House Bill number eight hundred fifty-two, ratified March sixteenth, one thousand nine hundred thirty-one, being a bill entitled "An Act to amend Chapter sixty-two (62) of the Private Laws of one thousand nine hundred twenty-nine, entitled An Act to Incorporate Woodville Baptist Church, Perquimans County, North Carolina, be and the same is hereby repealed.

SEC. 2. This act shall be in full force and effect from and after its ratification.

Ratified this the 6th day of May, A.D., 1931.

CHAPTER 170

AN ACT TO AUTHORIZE THE CITY OF STATESVILLE TO ISSUE SEWER BONDS AND TO PROVIDE FOR THE PAYMENT THEREOF.

The General Assembly of North Carolina do enact:

Sewer bond issue of \$150,000 authorized in Statesville.

General law to govern issue.

SECTION 1. That the city of Statesville, Iredell County, shall have power and is authorized to issue at one time, or from time to time, not exceeding one hundred and fifty thousand dollars (\$150,000.00) of sewer bonds for the purpose of extending and improving its present existing sanitary sewer system. And except as herein provided said bonds hereby authorized shall be issued pursuant to the Municipal Finance Act and the Local Government Act, of nineteen hundred and thirty-one, as such acts shall exist at the time proceedings for the issuance of said bonds are taken, but the limitation and restriction imposed by sub-section two of section two thousand

nine hundred and forty-three of the Consolidated Statutes shall not apply to the bonds hereby authorized.

SEC. 2. The bonds hereby authorized shall mature and funds for their payment shall be raised as provided in the Municipal Finance Act, except that the first installment or series of bonds may be made payable not more than five years after the date of the first issued bonds of such issue.

Maturity and
payment of
bonds.

SEC. 3. The powers conferred by this act are conferred in addition to, and not in substitution of, the existing powers of the city of Statesville, and nothing herein shall prevent or limit the issuance of bonds of said city under the Municipal Finance Act or other acts applicable to said city.

Powers herein
contained are
additional to
City.

SEC. 4. That this act shall be in force and effect from and after its ratification.

Ratified this the 6th day of May, A.D., 1931.

CHAPTER 171

AN ACT TO AMEND AN ACT ENTITLED, "AN ACT TO AMEND CHAPTER THREE HUNDRED NINETY-FIVE OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED NINE AND ALL ACTS AMENDATORY THEREOF, RELATING TO THE CITY CHARTER OF THE CITY OF HIGH POINT," RATIFIED THE TWENTY-FIRST DAY OF MARCH, ONE THOUSAND NINE HUNDRED THIRTY-ONE.

The General Assembly of North Carolina do enact:

SECTION 1. That sub-section (h) of section four, article two of said act be amended by adding thereto the following: "The said City of High Point be, and it is hereby authorized and empowered, in its discretion, to extend, construct or purchase, maintain and operate its water, sewerage and electric light lines and systems for a distance of not exceeding three miles in all directions beyond the corporate limits of said city as the same now exist or may hereafter be established; to sell and furnish electric current and lights to users in such area, and to charge for the use of such utilities such rates as the City Council may determine."

S. B. No. 302,
Private Laws
1931, amended,
relative to
Charter of
High Point.
Extension of
public utilities
beyond cor-
porate limits.

SEC. 2. That article thirteen be amended by changing section six to section seven, section seven to section eight, section eight to section nine, section nine to section ten, and inserting as section six thereof the following: "Section six. No action against the City of High Point of any character whatsoever for damages to either person or property shall be instituted against the said city unless the complainant, his attorney or personal representative, shall have given notice to the City

Notice of
claims against
City must be
filed before
action is
brought.

Contents
of notice.

Council of the City of High Point of such injury, in writing, within six months after the occurrence of the cause of complaint, stating in such notice the date and place of happening or infliction of said injury, the manner of such infliction or character of injury and the amount of damage claimed therefor. No suit or action shall be brought thereon within thirty days from the time of the presentation of said claim. Unless the claim is so presented within six months after the cause of action occurred any claim thereon shall be barred. The provisions of this section shall apply to any such claim against the city that has heretofore arisen and upon which suit has not been instituted: *Provided*, that notice of claim on any such cause of action shall be made to the City Council as herein provided within six months after the ratification of this act: *Provided, further*, that nothing in this act shall be construed as extending the present statute of limitations for any action which would otherwise be barred."

Present
claims
affected.

Statute of
limitations
unaffected.

Conflicting laws
repealed.

SEC. 3. That all laws and clauses of laws in conflict with this act are hereby repealed to the extent of such conflict.

SEC. 4. That this act shall be in full force and effect from and after its ratification.

Ratified this the 9th day of May, A.D., 1931.

CHAPTER 172

AN ACT TO AMEND SECTION SEVEN, CHAPTER SIX HUNDRED NINETY-NINE, PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED TWENTY-SEVEN, RELATING TO THE SALARY OF THE PROSECUTING ATTORNEY OF THE MUNICIPAL COURT OF THE CITY OF HIGH POINT.

The General Assembly of North Carolina do enact:

SECTION 1. Amend section seven of Chapter six hundred and ninety-nine of the Public-Local Laws of one thousand nine hundred and twenty-seven, by striking out all of section seven and inserting in lieu thereof the following:

"SEC. 7. From and after June first, one thousand nine hundred and thirty-one, the salary of the prosecuting attorney shall be fixed by the City Council of the City of High Point, and shall be paid out in equal monthly installments."

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 3. That this act shall be in full force and effect from and after its ratification.

Ratified this the 9th day of May, A.D., 1931.

Ch. 699,
Public-Local
Laws 1927,
amended.

Salary of
Solicitor of
High Point
Municipal
Court.

Conflicting laws
repealed.

CHAPTER 173

AN ACT TO REGULATE THE ELECTION OF MEMBERS OF THE BOARD OF TRUSTEES OF THE GRADED SCHOOLS OF GRANITE FALLS.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter two hundred and forty-seven (247), Private Laws one thousand nine hundred and twenty-three, be, and the same is, hereby amended by adding at the end of section one thereof the following:

"Vacancies arising from death, resignation or otherwise shall be filled from the unexpired term of the previous incumbent.

Vacancies arising from the expiration of the term of any incumbent shall be for three years, commencing the first Monday in April in the year in which such term or terms expire."

SEC. 2. All laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 3. This act shall take effect from and after its ratification.

Ratified this the 9th day of May, A.D., 1931.

Ch. 247.
Private Laws
1923, amended.

Vacancy
elections for
Trustees of
Graded Schools
of Granite
Falls.

Conflicting laws
repealed.

CHAPTER 174

AN ACT TO AUTHORIZE THE COUNCILMEN OF THE CITY OF ASHEVILLE TO LEASE THE PUBLIC PARKS, PLAYGROUNDS, MUNICIPAL GOLF LINKS, AUDITORIUM AND OTHER PROPERTY OWNED BY THE CITY.

The General Assembly of North Carolina do enact:

SECTION 1. That the Councilmen of the City of Asheville be and they are hereby authorized and empowered to lease the recreation park, municipal golf links, public play grounds, the auditorium, and other property owned by the municipality of the City of Asheville, upon such terms and conditions as to the judgment of the Councilmen of the City of Asheville will be advantageous and to the best interests of the city.

SEC. 2. That before any lease of any property owned by the city in compliance with and under the terms of this chapter shall be made, executed and delivered, the same shall be advertised for a period of thirty consecutive days next preceding the execution and delivery of any such lease or leases, by advertising in a conspicuous place in the daily paper in the City of Asheville having the highest or next highest paid circulation, which advertisements shall be published in that edition of said paper having the largest circulation in the City of Asheville.

Asheville City
Councilmen
authorized to
lease public
property.

Newspaper
advertisement
required before
leasing.

Advantages and benefits to City must be preserved.

SEC. 3. No lease of any such property shall be made under authority contained in this chapter that will not guarantee to the citizens of Asheville the same advantages and benefits now enjoyed by them under the present management and administration by the city authorities.

Surety bond required of lessees.

SEC. 4. The lessee or lessees of any property leased under the terms of this chapter shall be compelled to give a good and sufficient bond in some approved surety company, guaranteeing on the part of the lessee the faithful performance of said lease.

City to maintain supervision over property leased.

SEC. 5. For the purpose of maintaining peace, good morals and wholesome sports, the City of Asheville shall at all times have supervision of the property so leased for said purposes and no other.

Conflicting laws repealed.

SEC. 6. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 7. This act shall be in force and effect from and after its ratification.

Ratified this the 9th day of May, A.D., 1931.

CHAPTER 175

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF ROXBORO TO ISSUE BONDS OF THE ROXBORO GRADED SCHOOL DISTRICT FOR THE PURPOSE OF FUNDING THE DEBT OF SAID SCHOOL DISTRICT.

Preamble: Accumulated deficit in Roxboro Graded School District.

Whereas, the Roxboro Graded School District has an outstanding debt amounting to fifteen thousand dollars, being an accumulation of deficits accruing during the past four years, said deficits having been occasioned by the failure of the Board of Commissioners of Roxboro to levy a sufficient tax during those successive years to entirely defray the expense of an extended term in said district: *Now, Therefore,*

The General Assembly of North Carolina do enact:

Funding bond issue to take care of deficit authorized.

SECTION 1. That the Board of Commissioners of Roxboro be and it is authorized and empowered to issue and sell bonds of said Roxboro Graded School District in a sum not exceeding fifteen thousand dollars for the purpose of funding said debt.

Maturity of bonds.

SEC. 2. That the said bonds herein authorized shall mature annually, beginning not longer than one year after the date of issue, and ending not longer than sixteen years from the date of issue. Said bonds shall be issued and sold in the manner provided by law for the issuance and sale of municipal bonds.

Issuance and sale.

SEC. 3. That the said Board of Commissioners, after the sale of said bonds, shall levy a sufficient ad valorem tax in said school district to pay the principal and interest of said bonds as they severally fall due.

Levy of tax to meet requirements.

SEC. 4. That before any bonds shall be issued or sold under the provisions of this act the same shall be approved by the Local Government Commission and the said Board of Commissioners of Roxboro shall cause the question of the issuance and sale of same to be submitted to the electors of said school district at a general election held in said town of Roxboro or at a special election called by the said board of commissioners for said purpose, and held under the provisions of law governing municipal elections. If at such election a majority of the qualified voters of said school district shall approve of the issuance and sale of said bonds the said board of commissioners may thereupon proceed to issue and sell them in the manner herein provided. If, however, at such election the issuance and sale of said bonds is not approved by a majority of the qualified voters of said district no bonds shall be issued under the authority of this act: *Provided, however*, that the question may be resubmitted at intervals of not less than ninety days, and said bonds may be issued and sold after they have been approved by a majority of the qualified voters of said school district at such election.

Proposition to be submitted to voters.

Will of voters to control.

Resubmission of proposition after lapse of 90 days.

SEC. 5. At any such election the said board of commissioners may in their discretion order a new registration of voters in said school district, or they may cause to be used the existing registration of voters in said district. Advertisements of said elections and registrations shall be made as provided by law.

Registration.

Election advertisements.

SEC. 6. After said bonds shall have been authorized and before they are issued, the said board of commissioners may sell notes of said school district in anticipation of the sale of said bonds.

Anticipation notes authorized.

SEC. 7. Nothing contained in this act shall prevent the said board of commissioners from issuing bonds or notes for the purpose of funding and/or refunding said debt under any general law that may authorize same and without submitting the same to the vote of the electors of the said school district if same be not required by the said general law.

May issue bonds under general law without vote of people.

SEC. 8. This act shall be in force from and after its ratification.

Ratified this the 11th day of May, A.D., 1931.

CHAPTER 176

AN ACT TO AUTHORIZE THE CITY OF WILMINGTON TO ESTABLISH AND REGULATE DAYLIGHT SAVING TIME IN THE CITY OF WILMINGTON.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Commissioners of the City of Wilmington, be, and they are hereby authorized and empowered to establish, fix and regulate for the City of Wilming-

Daylight Saving Time authorized for Wilmington.

From April 1
to October 1.

How time
is to be
established.

Conflicting laws
repealed.

Preamble:
Change of
method of
collecting taxes
in Bessemer
City Graded
School District.

Back taxes
unpaid.

School Trustees
authorized to
collect such
back taxes.

Years for
which taxes
may be so
collected.

ton daylight saving time, during such period of the year as said Board of Commissioners may deem wise and necessary: *Provided*, such daylight saving time shall not begin prior to April first, or extend beyond October first, of each year, and *provided further* that such daylight saving time shall be established by Eastern Standard Time being advanced one hour at such time as said Board of Commissioners shall prescribe and by said daylight saving time being retarded one hour, placing the time back to the Eastern Standard Time at such time as said Board of Commissioners shall prescribe, as provided herein.

SEC. 2. That this act shall apply to the City of Wilmington only.

SEC. 3. That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

SEC. 4. This act shall be in force and effect from and after its ratification.

Ratified this the 13th day of May, A.D., 1931.

CHAPTER 177

AN ACT TO AUTHORIZE THE BOARD OF TRUSTEES OF THE BESSEMER CITY GRADED SCHOOL DISTRICT TO COLLECT THE UNPAID TAXES OF THE DISTRICT PRIOR TO AND INCLUDING THE YEAR NINETEEN HUNDRED AND THIRTY.

Whereas, the authority to levy and collect any and all taxes has been transferred from the Board of Trustees of the Bessemer City Graded School District to the Board of County Commissioners of Gaston County, and

Whereas, prior to said transfer of authority the trustees of said school district have levied taxes from year to year and have appointed tax collectors to collect the same, and

Whereas, there are certain unpaid taxes on the tax books in said school district for the years nineteen hundred and twenty-four to nineteen hundred and thirty inclusive: *Therefore*

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Trustees of the Bessemer City Graded School District shall have full power and authority to collect any and all of the unpaid taxes appearing on the tax books of the said school district for the year nineteen hundred and twenty-four to nineteen hundred and thirty inclusive and the tax collectors heretofore appointed by the trustees of said school district may proceed in accordance with the charter of the school district and the general laws of the State to collect the delinquent taxes or the trustees of said

district may appoint one or more tax collectors to collect any and all of the unpaid taxes for the years nineteen hundred and twenty-four to nineteen and thirty inclusive.

SEC. 2. That nothing contained herein shall be construed to authorize and empower the Board of Trustees of the Bessemer City Graded School District to levy any taxes or to collect any taxes that may be levied for any year after the year nineteen hundred and thirty, the power to levy and collect the taxes of the district, commencing with the year nineteen hundred and thirty-one, having been heretofore transferred from the Trustees of the School District to the County Commissioners.

Power to collect taxes after 1930 unaffected.

SEC. 3. That all laws and clauses of laws in conflict herewith are hereby repealed.

Conflicting laws repealed.

SEC. 4. That this act shall be in full force and effect from and after its ratification.

Ratified this the 13th day of May, A.D., 1931.

CHAPTER 178

AN ACT TO AMEND CHAPTER ONE HUNDRED FORTY-SIX PRIVATE LAWS ONE THOUSAND NINE HUNDRED TWENTY-THREE, RELATING TO THE CHARTER OF MURFREESBORO.

The General Assembly of North Carolina do enact:

SECTION 1. That section three of Chapter one hundred forty-six, Private Laws of one thousand nine hundred twenty-three, is hereby repealed.

Ch. 146, Private Laws 1923, amended, relative to Charter of Murfreesboro.

SEC. 2. That this act shall be in force and effect from and after its ratification.

Ratified this the 14th day of May, A.D., 1931.

CHAPTER 179

AN ACT TO AMEND CHAPTER TWO TWENTY-FOUR OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED TWENTY-ONE AND AMENDMENT THERETO, ENTITLED "AN ACT PROVIDING FOR A COMMISSION FORM OF GOVERNMENT FOR THE CITY OF WILMINGTON".

The General Assembly of North Carolina do enact:

SECTION 1. That section one of Chapter one hundred and eighty-nine of the Private Laws of one thousand nine hundred and twenty-three (1923), be and the same is hereby amended by striking out section one in said Chapter and inserting in lieu thereof the following words:

Ch. 189, Private Laws 1921, amended.

Commissioner of Finance of Wilmington named purchasing agent.

Approval of bills.

To act as tax and water rent collector. Law again amended.

Recommendation by Commissioners to purchasing agent.

Conflicting laws repealed.

Effective July 1, 1931.

SEC. 2. The Commissioner of Finance shall be the Purchasing Agent of the Board of Commissioners of the City, and all property, supplies, and material of every kind whatsoever shall, upon the order of the Board of Commissioners, be purchased by him, and when so purchased by him the bills therefor shall be submitted to and approved by the Board of Commissioners before warrants are issued therefor; when such warrants are issued they shall be signed by the said Commissioner and counter-signed by some other person designated by the Board of Commissioners; he shall be collector of all taxes; he shall collect all water rents.

SEC. 3. That section two of Chapter one hundred and eighty-nine of the Private Laws of one thousand nine hundred and twenty-three (1923), be and the same is hereby amended by striking out all of section two in said Chapter and inserting in lieu thereof the following words:

SEC. 4. It shall be the duty of each Commissioner to recommend to the City Purchasing Agent the purchase of goods and the contract for all things necessary to be contracted for in his department, and these recommendations shall be submitted to the Board of Commissioners for its orders with respect thereto.

SEC. 5. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 6. That this act shall be in full force and effect on and after the first day of July, one thousand nine hundred thirty-one.

Ratified this the 16th day of May, A.D., 1931.

CHAPTER 180

AN ACT AMENDING HOUSE BILL NUMBER ONE THOUSAND ONE HUNDRED AND SIXTY-NINE, RATIFIED APRIL TENTH, ONE THOUSAND NINE HUNDRED THIRTY-ONE. ENTITLED "AN ACT TO PERMIT THE CITY OF WILMINGTON TO ABANDON ITS MUNICIPAL LOCKUP OR GUARDHOUSE AND TO USE THE COUNTY JAIL FOR THE CONFINEMENT OF MUNICIPAL PRISONERS."

The General Assembly of North Carolina do enact:

H. B. No. 1169, Private Laws 1931, amended.

SECTION 1. That section one of said House Bill Number One Thousand One Hundred Sixty-nine, ratified April tenth, one thousand nine hundred and thirty-one, be stricken out and amended so as to read as follows:

Confinement in New Hanover County jail of prisoners of City of Wilmington.

"That the City of Wilmington may by agreement with the County of New Hanover, provide for the confinement or incarceration in the common jail of New Hanover County, of all

persons arrested by the city authorities and awaiting hearing in the courts of said city or county.

SEC. 2. That all laws and clauses of laws in conflict with this act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this act shall be in force and effect from and after its ratification.

Ratified this the 21st day of May, A.D., 1931.

CHAPTER 181

AN ACT TO REGULATE THE FILLING OF VACANCIES IN THE OFFICES OF MAYOR AND ALDERMAN IN THE CITY OF STATESVILLE.

The General Assembly of North Carolina do enact:

SECTION 1. That if any vacancy should occur in the office of Mayor or Alderman in the City of Statesville, the Board of Aldermen, before filling such vacancy, shall give public notice of the same in some newspaper published in the City of Statesville at least fifteen (15) days before the date fixed for the filling of said vacancy or vacancies. The election to fill said vacancy or vacancies shall be held by said Board of Aldermen between the hours of nine A. M. and five P. M. of the day fixed for such election.

Notice required in Statesville before filling vacancies in office of Mayor or Alderman.

Time of vacancy elections.

The person or persons, so elected, shall hold said office or offices until the next general municipal election and until their successors, elected at such election, shall qualify.

Term of those elected.

SEC. 2. All laws and clauses of laws in conflict with this act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This act shall be in full force and effect from and after its ratification.

Ratified this the 21st day of May, A.D., 1931.

CHAPTER 182

AN ACT TO PROVIDE FOR ELECTION IN THE TOWN OF RICHLANDS, ONSLOW COUNTY.

Whereas, the charter of the Town of Richlands, Onslow County, Chapter four hundred and seventeen of the Private Laws of North Carolina, session nineteen hundred and five, provides that town elections shall be held on the second Tuesday of the month of May in all odd years; and

Preamble: Confusion in regard to time of 1931 municipal elections in Richlands.

Whereas, owing to the general statutory provision calling for such election on the first Tuesday of May, some confusion has arisen as to which date is correct, and no election has been held on either date in May, nineteen hundred and thirty-one; and,

Primary already held.

Whereas, at a town meeting duly held on April, twenty-fourth, nineteen hundred and thirty-one, a ticket for Mayor and Town Aldermen was duly nominated, and election officers were duly appointed: *now, therefore*,

The General Assembly of North Carolina do enact:

Elections called for June 16, 1931.

SECTION 1. That the election for said Town of Richlands shall be held on June sixteenth, nineteen hundred and thirty-one, in lieu of the regular May election; and hereafter the election date for said town shall be the first Tuesday of May.

Ballots provided.

SEC. 2. That the present Mayor and Aldermen of the Town of Richlands shall provide printed ballots for such election to be held on June sixteenth, and the candidates named by the town meeting of April twenty-fourth, shall be the names printed on such official ballots; and said election shall be held and conducted in all respects as provided in said charter of said Town of Richlands, insofar as the same is not in conflict with the provisions of this act.

Primary validated.

Election officials.

SEC. 3. That the same registrar and pollholders appointed originally for said election shall act for the election of June sixteenth, *provided* any vacancy may be filled as provided in said charter.

SEC. 4. That this act shall be in full force and effect from and after its ratification.

Ratified this the 21st day of May, A.D., 1931.

CHAPTER 183

AN ACT TO INCREASE THE BOARD OF COMMISSIONERS OF THE TOWN OF STAR, MONTGOMERY COUNTY, FROM THREE TO FIVE MEMBERS.

The General Assembly of North Carolina do enact:

Commissioners of Star increased to five.

SECTION 1. That the Board of Commissioners of the Town of Star, Montgomery County, be and it is hereby increased from three to five members, the two additional members to be elected by the present board, and their successors to be chosen at the next municipal election in said town and at each successive municipal election for officers of said town thereafter.

Compensation, \$10 per year each.

SEC. 2. That the compensation of each of the said five commissioners of the Town of Star shall be ten dollars per year.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 4. That this act shall be in full force and effect from and after its ratification.

Ratified this the 25th day of May, A.D., 1931.

CHAPTER 184

AN ACT TO AMEND HOUSE BILL NUMBER ONE THOUSAND THREE HUNDRED FORTY-NINE WHICH AUTHORIZES THE CITY OF ASHEVILLE TO LEASE PUBLIC PARKS, PLAYGROUNDS, MUNICIPAL GOLF LINKS, AUDITORIUM AND OTHER PROPERTY OWNED BY SAID CITY.

The General Assembly of North Carolina do enact:

SECTION 1. That section two of House Bill Number One Thousand Three Hundred Forty-nine be, and the same is hereby amended by striking out the word "thirty" in line four, of said section, and inserting the word "ten", in lieu thereof just after the word "of" and before the word "consecutive."

H. B. No. 1349,
Private Laws
1931, amended,
relative to leasing
public property
in Asheville.

SEC. 2. That this act shall be in full force from and after its ratification.

Ratified this the 26th day of May, A.D., 1931.

CHAPTER 185

AN ACT TO ENABLE CITY OF HICKORY TO LEASE A LOT IN ITS PARK.

The General Assembly of North Carolina do enact:

SECTION 1. The governing body of the City of Hickory is hereby authorized to lease a lot situate within its park known as Carolina Park to any legally organized Woman's Club for the purpose of having erected and maintained a community building thereon.

Lease of lot in
Hickory to
Woman's Club.

SEC. 2. The period of the lease shall not exceed twenty-five years.

Period of lease.

SEC. 3. This act shall be in force and effect from and after its ratification.

Ratified this the 26th day of May, A.D., 1931.

CHAPTER 186

AN ACT TO AMEND SENATE BILL NUMBER THREE HUNDRED NINETY-FIVE, BEING THE CHARTER OF THE CITY OF ASHEVILLE.

The General Assembly of North Carolina do enact:

SECTION 1. That the act of the General Assembly of North Carolina, known as Senate Bill Number Three Hundred Ninety-five, entitled "An Act to Incorporate the City of Asheville, to define its corporate limits, to provide for its government, and for other purposes" be amended by inserting in article two

S. B. No. 305,
Private Laws
1931, amended,
Charter of
Asheville.

thereof following section seventeen a section to be known as 17-A as follows:

Publication of ordinances in newspapers.

"That all ordinances shall be published in the daily newspaper published in the City of Asheville having the largest or second largest circulation, said publication of each ordinance to be for one time in every copy of the edition of said newspaper having the largest circulation in the City of Asheville."

Law again amended.

SEC. 2. That said act be also amended by inserting in article eight thereof, following section thirty-eight, a section to be known as 38-A, reading as follows:

Appointment of special police.

"The council shall have power to authorize the appointment by the City Manager or by the director of the Department of Public Safety of special police receiving no compensation from the City for preservation of the peace, happiness and welfare of the inhabitants thereof, and of property therein. Such special police shall not belong to the classified service of the City."

Salary of Council members, \$300 per year each.

SEC. 3. That section 101-A of said act be amended to read as follows: "Each member of the council shall receive a salary of three hundred dollars (\$300.00) per year, payable monthly, and the council may by resolution grant to the mayor additional salary *provided* that the total compensation of the mayor shall in no event exceed twelve hundred dollars (\$1200.00) per year. The council shall fix the compensation and/or salaries of the City Clerk, the City Manager, the Corporation Council, employees of the legal department, the solicitor of the police Court and department heads. All other salaries shall be fixed by the City Manager, with the approval of the council."

Mayor, \$1200.

SEC. 4. This act shall be in full force and effect from and after its ratification.

Other salaries.

Ratified this the 27th day of May, A.D., 1931.

CHAPTER 187

AN ACT TO AMEND THE CHARTER OF THE TOWN OF BOONE, WATAUGA COUNTY, NORTH CAROLINA, AND ALL AMENDMENTS THERETO AND TO REPEAL CHAPTER TWO HUNDRED TWENTY OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED TWENTY-FIVE, AND CHAPTER TWO HUNDRED TWENTY-THREE PRIVATE LAWS ONE THOUSAND NINE HUNDRED TWENTY-SEVEN.

The General Assembly of North Carolina do enact:

Ch. 220, Private Laws 1925; and Ch. 223, Private Laws 1927, repealed.

SECTION 1. That Chapter two hundred and twenty (220) of the Private Laws of one thousand nine hundred twenty-five, and Chapter two hundred and twenty-three (223) of the Private Laws of one thousand nine hundred twenty-seven are hereby repealed.

SEC. 2. That the Mayor of the Town of Boone shall be entitled for his services as may be fixed by the Board of Aldermen, the sum not exceeding twenty-five dollars (\$25.00) per month and that the aldermen of the said town shall be entitled to receive the sum not exceeding one hundred (\$100.00) dollars each per annum for their said services, to be fixed by said board.

Compensation of Mayor and Aldermen of Boone.

SEC. 3. That all costs that shall accrue in the mayor's Court and collected by the officers of said Town of Boone shall be turned into the treasury of the said Town to be used for any purposes that the aldermen and mayor shall see fit to direct it to be used for.

Application of costs in Mayor's Court.

SEC. 4. That all laws and clauses of laws in conflict with this act are hereby repealed.

Conflicting laws repealed.

SEC. 5. That this act shall be in force and effect from and after its ratification.

Ratified this the 27th day of May, A.D., 1931.

CHAPTER 188

AN ACT TO AMEND CHAPTER FIFTEEN, PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND AND TWENTY-THREE, RELATIVE TO THE CHARTER OF THE CITY OF ELIZABETH CITY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. Amend sections sixty-five and sixty-six, chapter fifteen, Private Laws of the Session of one thousand nine hundred and twenty-three, by adding to each of said sections the following:

Ch. 15, Private Laws 1923, amended.

“Provided, nothing herein, or in this act, contained, shall prevent the Board of Aldermen in its discretion from combining the office of the City Manager with the office of Mayor, and conferring upon the Mayor the duties and powers of City Manager: Provided, further, that in the event of such consolidation of said offices, and for such length of time as said offices shall be so combined, the total salary paid said officer shall in no event exceed that now authorized to be paid the City Manager by section seventy-two of said act.”

Offices of City Manager and Mayor may be combined in Elizabeth City.

Compensation.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this act shall be in full force and effect from and after its ratification.

Ratified this the 27th day of May, A.D., 1931.

CHAPTER 189

AN ACT TO REPEAL CHAPTER FIVE HUNDRED AND FOUR, PUBLIC-LOCAL LAWS OF SESSION OF ONE THOUSAND NINE HUNDRED AND FIFTEEN, RELATIVE TO THE MUNICIPAL COURT IN THE CITY OF HIGH POINT, AND TO AMEND SECTION TWENTY OF CHAPTER FIVE HUNDRED AND SIXTY-NINE, PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTEEN, RELATIVE TO THE MUNICIPAL COURT OF THE CITY OF HIGH POINT.

The General Assembly of North Carolina do enact:

Ch. 504, Public-Local Laws 1915, repealed.

SECTION 1. That chapter five hundred and four, Public-Local Laws of the Session of one thousand nine hundred and fifteen, be and the same is hereby repealed.

Ch. 569, Public-Local Laws 1913, amended.

SEC. 2. That section twenty of chapter five hundred and sixty-nine, Public-Local Laws of one thousand nine hundred and thirteen, entitled "An Act to establish a Municipal Court for the City of High Point," be and the same is hereby repealed, and the following is hereby substituted in lieu thereof:

Fees collectible in High Point Municipal Court.

"SEC. 20. For the judge of said court, two dollars (\$2); for the clerk of said court, such costs as are allowed by law in similar proceedings to the clerks of the Superior Courts; for the prosecuting attorney, two dollars (\$2); jail fees, each defendant, one dollar (\$1.00) turnkey and fifty cents (\$.50) per diem; police, arrest fees, each defendant, one dollar (\$1.00); police serving subpoena, each witness, fifty cents (\$.50); conveying to county jail, each defendant one dollar (\$1.00): *Provided*, that in cases of conviction of any offenses which are violations of the city ordinances, the fees allowed to such prosecuting attorney shall be one dollar (\$1.00) in each case, and all such costs or penalties which are or may be imposed by the ordinances of the City of High Point or the laws of the State, when recovered before the judge, shall be paid by the clerk into the city treasurer's office, accompanied by an itemized statement showing when and from whom received, and whether imposed and collected by way of costs or otherwise; and all fees allowed by law for an arrest or service of other process in a criminal action when the same shall have been made by the sheriff, chief of police, or other officer who is paid a salary, and all other costs and penalties shall be paid over to the treasurer of the City of High Point for the use and benefit of said city, and to reimburse it for the expense of supporting said court; and it shall be the duty of the city treasurer to enter upon a book kept for that purpose by him a detailed statement of all moneys received by him on such account; and all

Violation of city ordinances.

Accounting for such fees.

Payable to City Treasurer.

Permanent record of such fees.

fines, forfeitures, and penalties collected shall be paid to the county treasurer as provided by law.”

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Conflicting laws repealed.

SEC. 4. That this act shall be in full force from and after its ratification.

Ratified this the 27th day of May, A.D., 1931.

CHAPTER 190

AN ACT TO INCREASE THE SCHOOL COMMITTEE OF LA GRANGE GRADED SCHOOL DISTRICT FROM FIVE TO SEVEN MEMBERS.

The General Assembly of North Carolina do enact:

SECTION 1. That the school committee of La Grange Graded School District, Lenoir County, be and it is hereby increased from five to seven members.

La Grange Graded School Committeemen increased to seven; additional appointments.

SEC. 2. That R. L. Uzzell and George Pollock be and they are hereby appointed members of said La Grange Graded School Committee to serve until April first, one thousand nine hundred and thirty-two, and until their successors are appointed.

Term of office.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Conflicting laws repealed.

SEC. 4. That this act shall be in full force and effect from and after its ratification.

Ratified this the 27th day of May, A.D., 1931.

CHAPTER 191

AN ACT TO AMEND CHAPTER THREE HUNDRED TWENTY-SEVEN OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED THIRTEEN, RELATING TO THE TOWN OF HAMLET.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter three hundred twenty-seven of the Private Laws of one thousand nine hundred thirteen relating to the Town of Hamlet be amended by striking out section thirteen thereof and inserting in lieu thereof a new section to read as follows: “Section 13. The board of Commissioners shall have the power at any regular monthly meeting to grant any franchise without submitting the same to a vote of the people; *provided* that a notice of the purpose or purposes for which the franchise is to be granted shall have been published for not less than two weeks previous to the granting of the

Ch. 327. Private Laws 1913. amended.

Franchises may be granted in Hamlet without vote of people.

Notices must
first be
published.

Forfeiture con-
dition.

Conflicting
laws repealed.

franchise in some local paper published in, or having a general circulation in the said Town of Hamlet; and *provided further* that all franchises so granted shall be for a period not exceeding fifty years and shall contain a provision that the franchise may be forfeited upon the violation of the terms and conditions of the same."

SEC. 2. That all acts or laws inconsistent with the provisions of this act are hereby repealed.

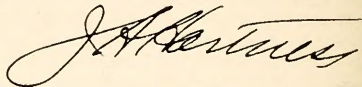
SEC. 3. That this act shall be in force and effect from and after its passage.

Ratified this th: 27th day of May, A.D., 1931.

STATE OF NORTH CAROLINA,
OFFICE OF SECRETARY OF STATE.

RALEIGH, May 28, 1931.

I, J. A. Hartness, Secretary of State of the State of North Carolina, hereby certify that the foregoing (manuscript) are true copies of the original acts on file in this office.



Secretary of State.

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